



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES COMMAND
1775 FORRESTAL DRIVE
NORFOLK, VIRGINIA 23551-2400

IN REPLY REFER TO:

1920

SJA

21 Nov 18

FIRST ENDORSEMENT on COMMARSOC ltr 1920 SJA of 01 Nov 18

From: Commander, U.S. Marine Corps Forces Command
To: Commandant of the Marine Corps (JPL)

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED], USMC

1. Forwarded.

2. I have thoroughly reviewed the Reports of Misconduct and enclosures thereto. I concur with the 1 November 2018 recommendation of the Commander, U.S. Marine Corps Forces, Special Operations Command that [REDACTED] not be required to show cause. Accordingly, I recommend that appropriate official military personnel file entries be made and that this case be closed.


M. A. BRILAKIS

Copy to:
COMMARSOC (Attn: SJA)
[REDACTED]
File



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE NC 28542-0116

1920
SJA
NOV 01 2018

FIRST ENDORSEMENT on COMMARSOC ltr 1920 SJA of 31 Jul 2018

From: Commander
To: Commandant of the Marine Corps (JPL)
Via: Commanding General, Marine Corps Forces Command

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED] USMC

Encl: (8) [REDACTED] of Misconduct rebuttal dated
13 Aug 2018
(9) Letter from [REDACTED]
(10) California Superior Court Minute Order dated 17 Apr
2018

1. Forwarded, recommending that [REDACTED] not be required to show cause for retention in the Marine Corps at a Board of Inquiry.
2. This response was delayed by my assumption of command and Hurricanes Florence and Michael.
3. On 13 August 2018, [REDACTED], through counsel, submitted matters in response to the Report of Misconduct, enclosures (8)-(10).

a. Enclosure (8) is [REDACTED] rebuttal to the Report of Misconduct. In the rebuttal, [REDACTED] describes the marital problems he was experiencing with his wife. He admits to a physical altercation that took place between him and his wife in September 2017, but denies being the aggressor. He also admits to placing a GPS tracker on his wife's car, but states that he never used it and that, even though his wife was not actually aware that the tracker was on the vehicle, she previously consented to having it placed there. [REDACTED] concludes by detailing the counseling he and his wife are receiving in order to try to improve their marriage.

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED], USMC

b. Enclosure (9) is a letter from [REDACTED] wife, [REDACTED]. [REDACTED] admits to being the aggressor during the September 2017 altercation between her and [REDACTED]. She also states that, although [REDACTED] never told her that he put the tracker on her car, she did discuss the GPS tracker with him and told him she did not care if he did it. She also stated that she believes the entire situation "got blown completely out of proportion."

c. Enclosure (10) is a copy of the case history in [REDACTED] California State Court case. The State of California dismissed the charges against [REDACTED] related to his placing of the GPS tracker on his wife's car.

4. In Enclosure (8), [REDACTED] raises a potential legal error in the Report of Misconduct. Specifically, he states that the command has misapplied California law, and that he did not violate California law by placing the GPS tracker on his wife's car. However, he is actually alleging a factual error and not a legal error. Whether or not [REDACTED] consented to [REDACTED] placing the tracker on her car is a question of fact, not law.

5. I have read and considered each enclosure, and still believe that [REDACTED] actions rise to the level of misconduct. However, I believe that formal administrative counseling is the appropriate remedy for this case and that he should not be required to show cause.

6. The point of contact for this matter is [REDACTED]
[REDACTED] at [REDACTED] and [REDACTED]


D. D. YOO

[REDACTED]

Monday, August 13, 2018

[REDACTED]

Lieutenant General Mark A Brilakis, USMC
Commander
U.S. Marine Corps Forces Command
1775 Forrestal Drive
Norfolk, VA 23551

RE: REPORT OF MISCONDUCT ICO [REDACTED]

General Brilakis:

This letter is in response to the Report of Misconduct authored by the Commander, Marine Corps Special Operations Command, on July 31, 2018. By way of introduction, my name is [REDACTED] and I represent [REDACTED] in his pending Marine Corps legal matters. Below, please find [REDACTED] response to the report of misconduct. I am at your convenience to discuss this matter and hope that either you or your Staff Judge Advocate will give us the opportunity to discuss the allegations prior to making any adverse decision.

Sincerely,

[REDACTED]

[REDACTED]

While my formal counseling rebuttal dated July 23, 2018 is provided as Enclosure (3) of the report, there are matters contained therein I believe need reiterated for this response to the report of misconduct. However, since it is enclosed in the report, it is incorporated by reference as if set forth fully herein.

While I had hoped that the information that I provided in the response to my IRAM counseling would have provided enough context to the Commanding General that he would recommend closing my case; unfortunately, that did not happen. Therefore, I will be providing some additional personal context to the background between my wife, [REDACTED] and I so that you, Commander, Marine Forces Command, will have a more complete view.

In November 2016, when [REDACTED] and I met, I was attending the [REDACTED] [REDACTED] and living in [REDACTED] was a PhD in Material Science working as a research associate for the [REDACTED]

ENCLOSURE (8)

██████████ and living in ██████████. We immediately grew extremely fond of each other and both felt that, without a doubt, our connection was a once in a lifetime opportunity too good to pass on. ██████████, we were married outside of a courthouse in ██████████.

Shortly after, my original orders to ██████████ were changed to ██████████ to work a highly complex ██████████ and ██████████ role with Marine Special Operations Command (MARSOC) (despite having spent most of my career in ██████████ ██████████ and ██████████ billets and having very little experience in ██████████). Wanting nothing more than to stick together and start a family, despite 13 years of education, ██████████ left ██████████ and her career as an engineer to move to California.

Like any newly married couple, we underwent stressors from moving in with each other and starting married life together; however, no more than any other couple. These stressors were exacerbated by our own individual challenges associated with dramatic changes in career paths and overcoming steep learning curves and transitioning to a single-income household. Distress levels were high but we focused on our future and continued to charge through as a team.

That changed in the end of September 2017. Around ██████████ ██████████ and I got into an argument discussing family-planning and child-rearing. Uncharacteristically, ██████████ got physical with me and I defended myself with the very least amount of force I could to keep her from further harming me, i.e. I restrained her. Having witnessed similar circumstances as a child, I ended up calling the police to report her aggression proactively and the police took a report and communicated with each of us independently. They talked to me on ██████████ and they talked to ██████████ on around ██████████. I was never charged with any allegation and I did not pursue any action against ██████████. California law requires law enforcement to arrest the dominant aggressor in a domestic altercation – I was not arrested.¹

Within a few days, I moved out of the house because I was afraid of getting into another altercation with ██████████ or that she would call the police and falsely say that I had done something to her.² The argument that we had on ██████████ brought back memories of my own mother and father being involved in arguments that turned physical. I knew that was not something I wanted in my life and at that point I began thinking that I had made a very bad mistake getting married. In the weeks following the ██████████ argument, I kept a safe distance while speaking with ██████████ about initiating a divorce. For weeks, I lived in my truck and continued to work in a billet that required a high level of focus and attention. During the same timeframe, communicating with ██████████ was very difficult and civil conversations would quickly get into an arguments – usually about her fears of losing her immigration status if we got divorced.

¹ CPC 13701

² We were still not in a very good place, she was very concerned about divorce and how it would affect her immigration status, and I was concerned that like my mother had done to my father on several occasions growing up, she would exact some sort of revenge against me for calling the police.

I was very concerned for my career and did not want to do anything that would jeopardize it. To mitigate the possibility of further altercation, during the first few weeks, [REDACTED] and I coordinated with each other to ensure both of us were not in the house at the same time at any given moment. I did not want to put myself in a position where even an allegation could be made against me. We would schedule a time for her to leave the house and I would go to the house to take care of my dog, get some fresh clothes, and take a hot shower. However, each time I drove to the house, she made me wait sometimes over an hour past schedule either in spite or for personal reasons. Frustrated with the fact that I often had to drive laps around a highly congested neighborhood with no available parking while waiting for her to vacate our designated space so I that I could finally park, we had several discussions about putting a tracker on our car so that it would simply alert me when she finally left the house and eliminate the need to interact with each other or drive around waiting to park. In as many words, she said she did not care and I could do that if I wanted to. Ultimately, I did; however, after she consented to it, I failed to tell her I did. That was a mistake.

The Commanding General, Marine Special Operations Command, states that I violated California Penal Code Section 637.7. While I understand that the Staff Judge Advocate to the Commanding General authored the letter, I believe it is important to point out that this is a misapplication of the law. It is a complete defense to California Penal Code Section 637.7 if the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device with respect to that vehicle.³ In my circumstance, that is what happened. As I set out in my counseling rebuttal: [REDACTED] and I talked about GPS trackers before the tracker was placed on our car, she said that she did not care – for me to “go ahead” if I wanted to do it.

Further, I never got around to figuring out how to program the geo-fencing alert. As a result, the tracker did not end up getting used other than to set it up – which is supported by the police report and the log that was downloaded from the tracker, where it only transmitted to one phone number, mine, and it happened only one time, during the set up. While [REDACTED] did say in the police report that she did not know the tracker was on our car, it was not placed there without her consent. That may seem like a distinction without a difference, but there is a difference. Nonetheless, while consent was given and the device was not used illegally, I agree that not informing her when it was installed was a failure on my part – but I hope that is not lost on the Commander that while I was *charged* with a violation, the charge was *dismissed* because I did not break the law.

[REDACTED] wrote a letter (enclosed) to provide her side of the story. In short, she was receiving a lot of information from a lot of people, it was overwhelming, and she was afraid of her immigration status changing, so she essentially did what she was told to do by people whom she thought were helping her.

³ CPC 637(b)

Despite the fact that the tracking device was never used for its intended purpose, while [REDACTED] was speaking with Family Advocacy Program (FAP), she mentioned that it seemed like I was mysteriously at the house while she was gone. The advocate told her she should take our car to get it checked for a tracking device. She did, and of course it was found. She contacted the investigator that was investigating her for assaulting me on [REDACTED] and told [REDACTED] about the device and the investigator told her to report it. As directed, [REDACTED] called the sheriff's department by calling 911 and it was reported to [REDACTED] of the Orange County Sheriff's department.

Again, while I was initially charged, the charges were dismissed on motion of the prosecutor on [REDACTED] after all the facts came out.

Second, in the report of misconduct, the Commanding General wrote that I stated [me] and [my] wife have mistreated each other in the past, and are in counseling to address [our] marital issues." What I actually said is contained in the rebuttal in Enclosure (3). "Mistreat" has very negative connotations to it and I never said "mistreat."

Aside from the altercation stated above, what I wrote in my rebuttal was:

[REDACTED] and I have not always communicated with each other as we might have wished. We have used terse words with one another – perhaps more terse than some couples and less terse than others. I am not proud of all the words I have said to her and I know that she is not proud of all the words she has said to me. We are both diligently working on it – we have been and continue to be participating in individual and couple's counseling to mitigate internal distress levels, better our communication with one another, to be more respectful of each other's feelings, and to reverse roles with one another to look at issues from the other's perception. The counseling has proven helpful and we are progressing significantly. That is not to say we are perfect yet – but we are better and we are improving.

As I did to the Commanding General, Marine Special Operations Command, I will reiterate that I am not perfect and I am continuously working to be in a better place – to be better than I have been and to be even better than I am today. The same is true for me and [REDACTED] in our relationship.

While I continue to work tirelessly as a devoted Marine officer fully dedicated to the mission and the well-being of my Marines – [REDACTED] and I are continuing to seek counseling from couples therapists and are continuing to seek new counselors that have a style more in line with our upbringing. Additionally, I continue to attend FAP's twenty-two week Men's Education Program (MEP) every Monday from 1300 to 1500 and I will be attending my fifth session today, August 13, 2018. While I had been receiving treatment for Posttraumatic Stress Disorder, it has been temporarily suspended until group counseling is complete per recommendation from the command psychologist. However, in addition to attending MEP, I continue to attend individual

ENCLOSURE (8)

counseling weekly for overall stress management. [REDACTED] is also currently seeing two therapists. One for childhood PTSD treatment and one for overall stress management.

The therapy is working tremendously and the union between us is stronger and healthier than ever.

I hope the information provided in this letter gives some additional context in evaluating my current family situation and my current value to the Marine Corps. I specifically request that my entire official military personnel file be reviewed before deciding whether or not I should be required to show cause. With this, I respectfully request a recommendation that our case be closed and that my file be provided to the Deputy, Commandant of the Marine Corps for Manpower and Reserve Affairs for final decision-making.

Respectfully Submitted,

[REDACTED]

[REDACTED]

[REDACTED]

ENCLOSURE (8)

To whom it may concern:

My name is [REDACTED] and I am happily married to [REDACTED], United States Marine Corps. I'm writing this letter to address allegations that have been made against my husband and some statements that I've made in the past and hopefully provide context for decision-makers of my husband's and our future.

Around September 22, 2017, my husband and I were involved in a heated discussion about family planning and child rearing ideas, theories, and how we would raise our future children. We had a heated disagreement about our personal philosophies and, probably due to consuming too much alcohol, I became too sensitive and upset about where the conversation was going. I didn't like the way he told me to leave the room so I slapped him in the face. I tried to hit him again a couple times, but he blocked me and eventually restrained me and took the phone to call 911. I tried to stop him from calling, and take the phone from him, but he wouldn't listen, so I got even more frustrated, and I tried fighting him and I struck him several times again. After he called the police I removed myself from the situation and approximately two weeks later the sheriff came to get my statement in regards to the incident. English is my second language and I'm not sure that I expressed myself fully to the investigator who took my statement, but what I have provided above is what happened. It is not something that I'm proud of, but me and [REDACTED] moved past this incident a long time ago.

About a week after the September 22nd incident we got into another argument and [REDACTED] left the house and started living in his truck, and he would ask me to not be in the house when he had to come to pick up some stuff. Around the first part of October, [REDACTED] began talking to me about divorce and we couldn't reach a point to have a discussion about the logistics involved in going through divorce process and physically separating our lives from each other. I wasn't in agreement with [REDACTED] decision to get a divorce and grew more and more upset each day we were separated. As the arguments persisted, I started to feel like the marriage couldn't be saved and I became very concerned about my immigration status. Around the end of October 2017, the therapist I was seeing at that time suggested me to reach out to Family Advocacy Program on base to get help with legal support and finding a job and lodging. I had the ability to speak to the family advocates couple of times and followed their advice. When I was speaking to one of the advocates, I was describing how it seemed like I would go away from the house and return and I could tell that [REDACTED] had been there while I was gone. There was nothing wrong with him being there – it's his house too - but it just felt weird. The advocate said something about getting our car checked for a tracking device, and I did. After speaking to the Advocate, I took our car to the Chrysler dealership and had them look for it. They found a tracking device that I assumed [REDACTED] had put there. I remember arguing about coordinating visitation for [REDACTED] and [REDACTED] being frustrated that I kept him waiting. I remember discussing having a tracking device in the car so it could say when I'm gone, and he could come to the house and see [REDACTED] and get some things without having to talk to me and wait for me to leave the house. I told him I didn't care if he wanted to do it, to go ahead if he wanted to, but when he did it, he never told me. Honestly it made me so angry because while I had told him that he could do it, he didn't tell me when he went through with it. I was so angry, I contacted the sheriff that I had been speaking with about the [REDACTED] incident and he told me that I should report it... so I did by calling [REDACTED] Police Department.

ENCLOSURE (4)

The police officer came to address my call, we discussed the situation and he took the tracking device. I wanted to file a report because I was mad but when the deputy asked me if I wanted to file a report, I did not know it would result in [REDACTED] being charged with a crime – I thought I was just making a report the same way [REDACTED] reported me on [REDACTED]

I regret what I did and we both regret the things that lead to our fallout, but we are both committed to never allowing something like that to enter our relationship again. Regarding the tracking device, I truly believe that got blown completely out of proportion – partially because I was acting with some anger toward [REDACTED] and partially because I did not fully understand the process that I initiated.

In closing, I want you to know that I love [REDACTED] very much. We have very strong bond and unique connection. We worked through our issues and we continue working on making our marriage even stronger.

I am willing to answer questions about either one of these incidents and anything else contained in this letter. My telephone number is [REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

ENCLOSURE (9)

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE

MINUTE ORDER

Case Number [REDACTED]

People Vs [REDACTED]

Report Request Criteria

1. Docket Date Range : Date filter
2. Sequence Number Range : Sequence filter
3. Docket Category : Category filter

<u>Docket Dt</u>	<u>Seq</u>	<u>Text</u>
[REDACTED]	1	Hearing held on [REDACTED] AM in Department H1 for Pre Trial.
	2	Judicial Officer: [REDACTED], Judge
	3	Clerk: [REDACTED]
	4	Bailiff: [REDACTED]
	5	Court Reporter: None
	6	People represented by [REDACTED] Deputy District Attorney, present.
	7	Defendant not present in Court represented by [REDACTED], Retained Attorney.
	8	Sentence Recommendation for terminal disposition filed.
	9	Case dismissed - Motion of People.
	10	Notice to defendant issued.

Name: [REDACTED]

Page 1 of 1

MINUTE ORDER

Case: [REDACTED]

Report Date: [REDACTED]

ENCLOSURE (10)



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE NC 28542-0116

IN REPLY REFER TO:

1920

SJA

JUL 31 2018

From: Commander
To: Commandant of the Marine Corps (JPL)
Via: Commanding General, Marine Corps Forces Command

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED] USMC

Ref: (a) MCO P5800.16A (LEGADMINMAN)
(b) MCO P1070.12K (IRAM)
(c) SECNAVINST 1920.6C

Encl: (1) Command Investigation of 28 Mar 2018
(2) IRAM para. 3005 Counseling dated 12 Jul 2018
(3) [REDACTED] Formal Counseling Rebuttal dated 23
Jul 2018

- [REDACTED]
- (6) Acknowledgment of advanced education assistance reimbursement requirement
 - (7) Acknowledgement of Receipt of Report of Misconduct Dated

1. This report is submitted per paragraph 4005.3.c.(2) of reference (a).

2. The circumstances giving rise to this Report are conduct unbecoming an officer and a violation of California state law. On 26 October 2017, [REDACTED] wife, [REDACTED], a Ukrainian citizen, contacted Camp Pendleton Family Advocacy Program regarding the volatile relationship with [REDACTED]. Over the course of the following month, [REDACTED] described emotionally abusive and controlling behavior by [REDACTED] towards her. These descriptions included psychological aggression such as threats to her immigration status, degrading language, and monitoring her whereabouts. On or about [REDACTED], [REDACTED] took her car to a service station where they found an electronic tracking device on the vehicle titled in her name. Her husband admitted to placing

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED], USMC

this tracking device on her vehicle. [REDACTED] misconduct, by invading [REDACTED] privacy in such a manner, violates California penal code section 637.7. This violation of state law is also punishable under Article 134 of the Uniform Code of Military Justice (UCMJ) as it was prejudicial to good order and discipline and committed in a manner to bring discredit upon the armed forces. Further, the above actions of [REDACTED] fall below the level of conduct expected of officers. See enclosure (1).

3. [REDACTED] actions rise to the level of misconduct. I view his actions as conduct unbecoming an officer and as conduct of a nature to bring discredit upon the armed forces. His comportment, maturity, and judgment are not in line with our core values. On 12 Jul 2018, I administratively counseled [REDACTED] in accordance with paragraph 3005 of reference (b), enclosure (2). On 23 July 2018, [REDACTED] submitted a rebuttal which I have read and considered, enclosure (3). In that rebuttal, he states that he and his wife have mistreated each other in the past, and are in counseling to address their marital issues. [REDACTED] denies using the tracker or that it was installed without her consent. After considering the above, I remain of the opinion that [REDACTED] actions still rise to the level of misconduct and that he should not continue to serve in the Marine Corps.

[REDACTED]

[REDACTED]

6. [REDACTED] has been advised of the reimbursement requirement for advanced education assistance. [REDACTED]

Subj: REPORT OF MISCONDUCT IN THE CASE OF [REDACTED]
[REDACTED], USMC

[REDACTED] acknowledgment of this requirement is contained in enclosure (6). I am not aware that [REDACTED] received any advanced education assistance.

7. [REDACTED] will be afforded the opportunity to read this report. [REDACTED] will acknowledge that adverse information pertaining to this incident may be included in his Official Military Personnel File, enclosure (7).

8. I recommend that [REDACTED] be required to show cause for retention in the Marine Corps at a Board of Inquiry pursuant to reference (c). I view the serious nature of his conduct and his poor judgment as bringing into question his suitability for continued service in the Naval Service.

9. The point of contact for this matter is [REDACTED]
[REDACTED]
[REDACTED]


C. E. MUNDY III



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE NC 28542-0116

IN REPLY REFER TO:
5830
CDR

JUN 25 2018

THIRD ENDORSEMENT on [REDACTED] ltr 5830 [REDACTED] of 28 Mar 18

From: Commander
To: File

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
ACTIONS OF [REDACTED]

1. I have reviewed the subject investigation in accordance with chapter II of reference (a) and direct this investigation be closed as no further investigation is warranted.
2. I agree with the findings of fact, opinions, and recommendations of the investigating officer. [REDACTED] words and actions towards his wife are inconsistent with our core values and appropriately classified as misconduct.
3. I intend to offer [REDACTED] the opportunity to resolve this matter at nonjudicial punishment and to recommend that he be required to show cause at a board of inquiry.
4. The [REDACTED], [REDACTED], is the point of contact for this matter. He may be reached at [REDACTED].


C. E. MUNDY III

Copy to:
File



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UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. MARINE CORPS FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE NC 28542-0116

IN REPLY REFER TO:

5830

SJA

JUN 08 2018

From: Staff Judge Advocate
To: Commander, U.S. Marine Corps Forces, Special Operations Command
Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
[REDACTED] USMC
Ref: (a) [REDACTED] ltr 5830/[REDACTED] of 28 Mar 18
(b) JAGINST 5800.7F

1. Staff Judge Advocate's Review. I have reviewed reference (a) and its supporting documents for compliance with reference (b) and find the investigation legally sufficient.
2. Recommendation. I recommend that you sign the enclosed endorsement closing the investigation.

[REDACTED]

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Enclosure (1)



UNITED STATES MARINE CORPS
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20113
CAMP LEJEUNE NC 28542-0113

5830

S-1

MAY 16 2018

SECOND ENDORSEMENT on [REDACTED] ltr 5830/[REDACTED] of 28 Mar 18

From: Commanding Officer

To: Commander, U.S. Marine Corps Forces, Special Operations Command

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
ACTIONS OF [REDACTED] [REDACTED] USMC

1. I concur with the findings, opinions, and recommendations of the investigating officer. I am deeply concerned about the abuse and exploitation indicated by the investigation and brought about by the apparent leverage [REDACTED] held over his wife by her immigration status.

2. I am directing 1st Marine Raider Battalion to work with Family Advocacy and the State of California to ensure that [REDACTED] is empowered to make decisions about her future without fear of her immigration status being used as an exploitation mechanism.

3. The point of contact for administrative purposes is [REDACTED]
[REDACTED] or via email at [REDACTED]
[REDACTED]
[REDACTED]



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO
5830

28 Mar 18

From: [REDACTED] USMC
To: Commanding Officer, 1st Marine Raider Battalion

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
[REDACTED] USMC

Ref: (a) Manual of the Judge Advocate General (JAGMAN), Chapter 11
(b) JAGMAN Investigations Handbook .03/15

Encl: (1) Appointment letter dated 26 Feb 2018.
(2) Extension Request dates 23 Mar 2018.
(3) Summary of conversation with [REDACTED], Assistant manager and Clinical Supervisor, Family Advocacy Program Camp Pendleton, Ca.
(4) Email from [REDACTED] to [REDACTED] issuing an MPO on 27 October 2017.
(5) Order of support and Military Protective Order signed 30 October 2017.
(6) Email from [REDACTED] to [REDACTED] requesting leave for Tuesday 21 November 2017 in order to conduct an interview with the United States Citizenship and Immigration Services (USCIS) in Santa Anna, Ca.
(7) Summary of conversation with [REDACTED] Victim Advocate, Family Advocacy Program, Camp Pendleton, Ca.
(8) Summary of conversation with [REDACTED], Clinical Supervisor, Family Advocacy Program, Camp Pendleton, Ca.
(9) Police Report from the Orange County Sheriff's Department Case Number [REDACTED]
(10) Notice of arraignment from the Office of the District Attorney, Orange County, Ca for [REDACTED].
(11) Summary of telephone conversation with Investigator [REDACTED], Investigator for the Orange County Sheriff's department.
(12) 1st Marine Raider Battalion Commander's Critical Information Requirements (CCIRs).
(13) [REDACTED] Article 31 Rights.
(14) Police Report from the Orange County Sheriff's Department Case Number [REDACTED].
(15) Police Report from the Orange County Sheriff's Department Case Number [REDACTED]

Preliminary Statement

1. In accordance with the Convening Authority's directive the investigation into the facts and circumstances surrounding the actions of [REDACTED] has been completed. All reasonable available evidence has been collected and all relevant investigative needs have been contacted and interviewed as required.

2. This investigation finds that Officer Misconduct occurred on several accounts. The first account consists of adult emotional maltreatment by [REDACTED] against his spouse over a period of at least three months. This maltreatment involves verbal abuse, as well as manipulation due to the

Enclosure (1)

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
ACTIONS OF [REDACTED] USMC

status of her U.S. citizenship. The second account consists of [REDACTED] violating California Penal Code 637.7 by placing a commercial over the shelf (COTS) tracking device on his spouse's vehicle without her knowledge in order to maintain awareness of her location. The final account consists not adhering to three categories of standing 1st Marine Raider Battalion Commander's Critical Information Requirements (as well as three of the Regimental Commander's Significant Notification Events) and failing to report these to his chain of command.

3. On 11 March 2018, [REDACTED] elected to invoke his Article 31 Rights and informed the investigating officer that he would make no statements and or answer any questions regarding this matter without his civilian attorney present. During the course of the investigation several attempts were made to meet with the landlord at the previous residence of [REDACTED] and his spouse in order to discuss the living conditions of his spouse [REDACTED], while the couple was separated. Unfortunately, this meeting was denied by the landlord. Further, while engaging with Camp Pendleton, Ca, Family Advocacy Program (FAP) Personnel it was discovered that the initial clinical counselor who [REDACTED] spoke with has since left her position, and the second clinical counselor who was the lead counselor for this case is on maternity leave. These factors delayed access to the reports.

Findings of Fact

1. That on 26 October 2017, [REDACTED] initially contacted the Camp Pendleton FAP due to a volatile living condition and relationship with her spouse, [REDACTED]. [Encl (3)]
2. That on 27 October 2017, [REDACTED] of the Camp Pendleton FAP contacted 1st Marine Raider Battalion Headquarters and recommended issuing a Military Protective Order (MPO) against [REDACTED] based on the statements of his spouse, [REDACTED]. [Encl (3)]
3. That on 27 October 2017, [REDACTED] issued a verbal MPO to [REDACTED]. [Encl (4)]
4. That on 30 October 2017, the written MPO was signed by [REDACTED] and [REDACTED]. [Encl (5)]
5. That on 21 November, 2017, [REDACTED] and [REDACTED] went to the United States Citizenship and Immigration Services (USCIS) in Santa Anna, CA, in order to conduct an interview in regards to [REDACTED] immigration status. [Encl (6)]
6. That between 26 October and 15 November 2017, several meetings in person and via telephone occurred between [REDACTED] and FAP personnel. These meetings described verbal abuse by her husband, [REDACTED], which met criteria for adult emotional maltreatment. Additionally the maltreatment included removing items from their apartment like the mattress and couch cushions because based off [REDACTED] statements from [REDACTED] "she did not deserve these types of comforts". [Encls (3), (7), (8)]
7. That between 26 October and 15 November 2017, during several meetings between [REDACTED] and FAP personnel, much of the verbal abuse [REDACTED] discussed focused on her lack of U.S. citizenship. Further, [REDACTED] also made comments which showed concern for her immigration status and process, to include near term meetings with Immigration Services. Of note, there was a significant change in [REDACTED] tone beginning the second week of

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE ACTIONS OF [REDACTED]

November. When discussing the relationship with FAP, she stated that things were "going to be fine between the two of them, and that the MPO was no longer required. [REDACTED] efforts to lift the MPO grew exponentially over the next week and by 14 November 2017 she was insisting that FAP contact [REDACTED] and advise him to drop the MPO. [Encls (3), (7), (8)].

8. That between 26 October and 31 October, [REDACTED] told FAP personnel that her spouse had sent text messages revealing that he was aware of her exact location, and time spent at locations. Further, she noticed that when she departed her residence and drove her vehicle, even for a brief period of time, her spouse would take belongings from the residence and be gone before she returned. Victim Advocate [REDACTED] (FAP) recommended she have her vehicle inspected at an automotive shop due to suspicion of a tracking device. On 31 October 2017, [REDACTED] brought her vehicle to a dealership in San Juan Capistrano where one of the technicians found a COTS Global Positioning System (GPS) tracking device magnetically attached to the frame rail of the vehicle. [Encls (7), (9)]

9. That on or about 5 December 2017 Orange County [REDACTED] of the Orange County Sheriff's Department contacted [REDACTED] to inform him of charges placed against him. [REDACTED] informed him that her investigation found he violated California Penal Code (CPC) 637.7; illegal use of an electronic tracking device. Further, on 13 December, Naval Criminal Investigative Services (NCIS) arranged a meeting between [REDACTED] and [REDACTED] on Camp Pendleton. Upon arrival [REDACTED] was uncooperative. He stated to NCIS and Orange County Sheriffs that he was "ambushed" and would not speak to anyone unless he lawyer was present. Lastly, on 2 February, the Orange County District Attorney mailed [REDACTED] a notice arraignment for violating CPC 637.7, and that he must appear in court on 22 May 2018. [Encls (9), (10), (11)]

10. That throughout the course of events spanning from 26 October through 15 February, when a Preliminary Inquiry revealed the pending allegations, [REDACTED] failed to report the pending allegations and or arraignment. This infraction correlates to three of the Commander's Critical Information Requirements (CCIRs) published by the Commanding Officer of 1st Marine Raider Battalion ([REDACTED]). Specifically: (1) "Any incident which results in the apprehension of a Marine or Sailor by Law enforcement authorities, or brings discredit to the battalion"-immediate notification required; (2) "Disciplinary infraction involving civilian authorities"-immediate notification required; (3) "Officer or SNCO misconduct"-notify when available. [Encl (12)]

Opinions

1. That for a period of months [REDACTED] subjected his spouse to adult emotional maltreatment through repeated derogatory language both in person and via cell phone. Further, that he exploited his spouse's lack of citizenship in order to maintain control and coerce her into lifting the MPO and would in turn sponsor her during meetings with Immigration Services. This qualifies as officer misconduct. [FF (5), (6), (7)]

2. That for an unspecified period of time, [REDACTED] was illegally tracking his spouse's movements via an electronic tracking device he placed on her vehicle. This is a violation of California Penal Code 637.7 and qualifies as officer misconduct. [FF (8)]

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE
ACTIONS OF [REDACTED] USMC

3. That beginning on or about 5 December 2017, [REDACTED] was informed through multiple channels that he was being arraigned for unlawful use of an electronic tracking device. At no time did he inform any person in his chain of command, or the inquiring officer, disobeying a lawful order stated by [REDACTED] CCIRs. [FF (10)]

Recommendations

1. The above actions do not display one poor decision at one point in time. On the contrary, the above actions display a pattern of poor decisions which are pre-meditated and lack the judgment expected of a Marine Officer. I recommend [REDACTED] be added to the Officer Disciplinary Notebook and receive non-judicial punishment.

2. The point of contact for this investigation is [REDACTED] who can be reached at [REDACTED] or by email at [REDACTED]

[REDACTED]



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER T

5830

S-1

26 Feb 18

From: Commanding Officer

To: [REDACTED]

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING
THE ACTIONS OF [REDACTED]

Ref: (a) Manual of the Judge Advocate General (JAGMAN), chapter II

1. This appoints you, per Chapter II of the reference, to inquire into the circumstances surrounding the actions of [REDACTED] regarding interactions with his spouse.

2. Conduct a Command Investigation into the facts, faults, neglects or responsibility thereof and recommend administrative or disciplinary action. Report your findings of facts, opinions, and recommendations no later than 26 March 2018 unless an extension of time is granted. You will be guided by the reference and directed to review the reference in its entirety before beginning your inquiry.

3. You may seek legal advice from the Battalion Adjutant ([REDACTED]) or the MARSOC deputy SJA ([REDACTED]) during the course of your inquiry. In your inquiry, if you reveal classified information that will be an enclosure or incorporated into the findings of fact, seek guidance before starting the report from the 1st Marine Raider Battalion Security Manager as to the correct procedures for documenting these facts in the investigative report. This may necessitate you typing a portion or all of the inquiry on a classified system.

4. You are reminded that this appointment is your primary duty and remains as such until the inquiry is completed. [REDACTED]

Enclosure (1)

Enclosure (1)



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO:
5830
S-1
23 Mar 18

From: Commanding Officer

To: [REDACTED] USMC

Subj: EXTENSION REQUEST REGARDING THE COMMAND INVESTIGATION INTO THE FACTS
AND CIRCUMSTANCES SURROUNDING THE [REDACTED]
[REDACTED] USMC

Ref: (a) Manual of the Judge Advocate General (JAGMAN), chapter II

1. Per the reference, I am requesting an extension of time for the investigation to which I was appointed to complete. In order to more fully develop my investigation, and interview the appropriate personnel, an extension is requested. Due to a change in personnel at the base's office of Family Advocacy, coupled with their lead councilor being out of the office on maternity leave, access to reports and information has taken longer than expected. Lastly, further information relevant to this case has been requested from NCIS and Orange County Sheriff's Department and is expected to be received next week. For these reasons, I request an extension until Tuesday, 3 April 2018.

2. The point of contact for this request is [REDACTED] at
[REDACTED]

FIRST ENDORSEMENT

From: Commanding Officer

To: [REDACTED]

Subj: EXTENSION REQUEST REGARDING THE COMMAND INVESTIGATION INTO THE FACTS AND
CIRCUMSTANCES SURROUNDING THE ACTIONS OF [REDACTED]
[REDACTED] USMC

1. Your request for an extension of time in this investigation is approved
/not approved. Your investigation will be due on 3 APRIL 2018

Enclosure (2)

Enclosure (1)



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN APPLY REFER TO

5830

23 Mar 18

From: [REDACTED] USMC
To: Commanding Officer, 1st Marine Raider Battalion
Subj: SUMMARY OF CONVERSATIONS SPANNING FROM 1 MARCH THROUGH 21 MARCH WITH
[REDACTED], ASSISTANT MANAGER AND CLINICAL SUPERVISOR, FAMILY ADVOCACY
PROGRAM, CAMP PENDLETON CA.

Investigating Officer (IO): When did [REDACTED] first make contact with
FAP personnel?

[REDACTED] first contacted FAP on 26 October 2017. She
wanted help finding affordable apartments in the area due to the current
separation from her husband, [REDACTED].

IO: AT what point did she begin to discuss issues that sounded like verbal
abuse, etc.

[REDACTED]: That same afternoon. I was not the lead on this matter, however, the
conversation with [REDACTED] escalated, and the victim advocate and clinical
supervisor involved were concerned for her safety. The following day (27
October) they brought this matter up to me and out of concern for her safety,
we contacted 1st Marine Raider Battalions headquarters to inform them of this.
We told them that we strongly recommend a Military Protective Order (MPO) be
issued ASAP.

IO: Can you provide some specific comments that caused concern for her
safety?

[REDACTED]: Our victim advocates will pull the reports and we can read some of those
statements that [REDACTED] had made. Unfortunately, you cannot physically touch
those reports and or read them, but we can read them to you. Of note, she
did begin to show concern for her citizenship after a few weeks. She was
nervous that her poor relationship with [REDACTED] [REDACTED] may affect her ability
to gain citizen ship.

[REDACTED]

Enclosure (3)

Enclosure (1)

Sent: Friday, October 27, 2017 4:47 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: MPO

[REDACTED]
Your wife paid a visit to family advocacy. I need to issue you an MPO to keep the two of you guys from getting any further down a bad road. I want you to have zero contact with her (physically or electronically) and stay at least 500ft from her residence. If you need to get stuff from your place coordinate that through the command. Ack receipt.

[REDACTED]
Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



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1ST MARINE RAIDER BATTALION
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U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

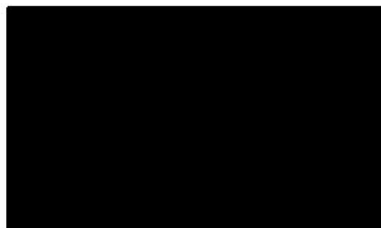
IN REPLY REFER TO
1400
5800
30 Oct 17

From: Commanding Officer,
To: [REDACTED] USMC

Subj: ORDER OF SUPPORT

Ref: (a) MCO PS800.16C (LEGADMINMAN), Chapter 15

1. On October 30th 2017, this Command received a complaint from [REDACTED], alleging that you have not provided an amount of support sufficient for the needs of your family.
2. On October 30th 2017, you were counseled regarding this matter, and your obligations under the reference. At that time, you were afforded the opportunity to request that the support requirements of the reference be modified, and to provide reasons therefor.
3. Since there is no support agreement or order regarding this matter, you are ordered, per the reference, to pay 1/2 of your Basic Allowance for Housing the sum of \$1,615.50 per month, with split payments on the first and 15th of each month, as support. Support payments will be made by direct deposit in order to have proof of transactions. This order will remain in full force and effect until such a support agreement or judicial order is obtained, or unless sooner modified by this Command.



Enclosure (5)

Enclosure (1)

Support Calculation Worksheet in the case of _____

USMC

1. Enter the date the complaint was received: 20171030
(Refer the Marine to Legal Assistance)

2. Enter the total number of family members entitled to support (2a-d): 1

INCLUDE ALL OF THE FOLLOWING:

- a. Non-military spouse requesting support: 1
- b. Biological or adopted minor children on whose behalf financial support is requested: 0
- c. Family members that reside with the Marine that the Marine supports (i.e., spouse and biological or adopted minor children): 0
- d. Family members that do not reside with the Marine that the Marine supports (i.e., spouse and biological or adopted minor children), that the Marine already supports under prior order or written agreement: 0

3. Enter the number of persons requesting support from Lines 2a and 2b above: 1

Figure 15-1.--Support Calculation Worksheet

15-10

Ch 3

Enclosure (5)

4. Locate the number from **Step 2** of this Worksheet on the left column of the USMC Support Table. Highlight the other two columns to the right of this number on the same line. Use this line for all support calculations in this case.

USMC SUPPORT TABLE

Total Number of Family Members Entitled to Support	Minimum Amount Of Monthly Support per Requesting Family Member	Share of Monthly BAH/OHA per Requesting Family Member
1	\$350	1/2
2	\$286	1/3
3	\$233	1/4
4	\$200	1/5
5	\$174	1/6
6 or more	\$152	1/7 or etc.

5. Multiply the number in **Step 3** of this Worksheet times the dollar figure in the center column of the USMC Support Table from the line that was selected in **Step 4**. Enter the amount:

\$ 350

6. If the Marine receives BAH, multiply the number in **Step 3** of this Worksheet times the fraction in the right column of the USMC Support Table from the line that was selected in **Step 4**. Multiply the adjusted fraction times the BAH received. Enter the share of BAH for the requesting family members: W/Dep 3,231.00

\$1,615.50

Figure 15-1.--Support Calculation Worksheet

7. Select the larger dollar amounts from Steps 5 and 6. This is the amount of support presumed to be correct under the MCO. The total amount of support for all persons in Step 2 may not exceed 1/3 of the Marine's gross military pay.

\$1,615.50

8. The Marine may request reduction of the amount of support calculated under Step 7 only under limited circumstances. Reduction of support is entirely discretionary on the part of the commanding officer. See Paragraph 15005.4d for details.

9. After consulting with the appropriate staff judge advocate, should the commanding officer choose to deviate from the required amount pursuant to Paragraph 15005.4d for a reduction of support, enter the new amount of support due:

\$ _____

Marine Corps Total Force System

EXTRACT DATE: 20171025

SUBJECT: **PERSONAL STATEMENT OF MILITARY COMPENSATION**

NAME: [REDACTED]

DSSN: [REDACTED]

RANK: [REDACTED]

RUC: [REDACTED]

PLAT: [REDACTED]

SUMMARY:

ANNUAL DIRECT COMPENSATION:

\$121,019.28

EXPENSE ALLOWANCES:

\$0.00

INDIRECT COMPENSATION:

\$17,356.07

SUBTOTAL:**\$138,375.35****DIRECT COMPENSATION****A. MILITARY PAY**

BASIC PAY:

MONTHLY RATEANNUAL RATE

\$5,940.90

\$71,290.80

BAH OR HOUSING VALUED AT BAH RATE:

\$3,231.00

\$38,772.00

BAS OR MEALS VALUED AT BAS RATE:

\$253.63

\$3,043.56

FEDERAL TAX ADVANTAGE: **MARRIED****3 EXEMPT**

\$659.41

\$7,912.92

B. INCENTIVE AND SPECIAL PAY

TOTAL INCENTIVE AND SPECIAL PAY:

\$0.00

\$0.00

TOTAL DIRECT COMPENSATION (A + B)

\$10,084.94

\$121,019.28

EXPENSE ALLOWANCES

TOTAL EXPENSE ALLOWANCES

\$0.00

\$0.00

INDIRECT COMPENSATION**A. RETIREMENT**

7% X \$5,940.90 (BASIC PAY)

MONTHLY RATEANNUAL RATE

\$415.86

\$4,990.32

B. MEDICAL CARE

12 MONTHS TIMES \$209 SINGLE OR \$475 FAMILY

\$475.00

\$5,700.00

C. DEATH AND SURVIVOR PROGRAMS

1.7% X \$5,940.90 (BASIC PAY)

\$101.00

\$1,212.00

D. FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

SOCIAL SECURITY (6.2%) X \$5,940.90 (BASIC PAY)

\$368.34

\$4,420.03

MEDICARE (1.45%) X \$5,940.90 (BASIC PAY)

\$86.14

\$1,033.72

INDIRECT COMPENSATION (A+B+C+D)

\$1,446.34

\$17,356.07

Enclosure (5)

MILITARY PROTECTIVE ORDER

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

PRINCIPAL PURPOSE(S): To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

ROUTINE USE(S): Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

DISCLOSURE: Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. UNIT 1ST MARINE RAIDER BATTALION				c. UNIT			
d. INSTALLATION MARINE CORPS BASE CAMP PENDLETON, CA 92055				d. INSTALLATION			
NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.							
3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER							
MAINTAIN GOOD ORDER AND DISCIPLINE.							
4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:							
a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____							
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____							
						Property Settlement	
						Custody and/or Visitation	

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (initial applicable portions):	
X	a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.
X	b. The above-named service member shall remain at all times and places at least <u>500</u> feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include: [REDACTED]
N/A	c. The above-named service member will vacate the military residence shared by the parties located at:
N/A	d. Until further notified, the above-named service member will be provided temporary military quarters at:
N/A	e. The above-named service member will attend the following counseling:
X	f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.
N/A	g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.
X	h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.
X	i. Other specific provisions of this order: Any contact with listed persons will only be approved by the Bn Commander of IMRB
6. DURATION: The terms of this order shall be effective until <u>30 APRIL 2018</u> , unless sooner rescinded, modified, or extended in writing by me. ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.	
a. COMMANDING OFFICER'S SIGNATURE [REDACTED]	b. DATE (YYYYMMDD) 20171030
7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.	
a. SERVICE MEMBER [REDACTED]	b. DATE (YYYYMMDD) 20171030
DISTRIBUTION: [REDACTED] Service member Protected person (Custodial parent of protected child) Service member's local personnel file	

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, November 15, 2017 12:09 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Leave Request: 21-27 November 2017

Approved. Let the XO and I know what outstanding issues/items that you have during that time, as well as who will be covering down on them. Include them on the Cc line so we know they got the message to Garcia

R/s

[REDACTED]
Commanding Officer, 1st Marine Raider Battalion

NIPR: [REDACTED]

SIPR: [REDACTED]

Comm: [REDACTED]

SVOIP: [REDACTED]

BB: [REDACTED]

Cell: [REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Monday, November 13, 2017 8:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Leave Request: 21-27 November 2017

Good Morning Sir,

I've submitted a leave request to [REDACTED] for 21-27 November 2017.

Reasons below.

21 November 2017: Interview with USCIS (Santa Ana, CA) in regards to [REDACTED] immigration status.

22-27 November 2017: Move to Laguna Niguel.

Standing by for authorization.

R/S,

[REDACTED]
[REDACTED]
NIPR: [REDACTED]

SIPR: [REDACTED]

Phone: [REDACTED]

DSN: [REDACTED]

SVOIP: [REDACTED]



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO
5830

21 Mar 18

From: [REDACTED] USMC
To: Commanding Officer, 1st Marine Raider Battalion
Subj: SUMMARY OF CONVERSATIONS SPANNING FROM 14 MARCH THROUGH 16 MARCH WITH
[REDACTED] [REDACTED], VICTIM ADVOCATE, FAMILY ADVOCACY PROGRAM, CAMP PENDLETON
CA.

Investigating Officer (IO): Can you provide some detail into statements made by [REDACTED] which caused concern?

[REDACTED]: [REDACTED] stated that in the past when police were called to their apartment, specifically the Domestic Violence report from [REDACTED] [REDACTED], that [REDACTED] had manipulated the police. He called them because he knew she would leave the apartment, and he would then be able to give the police only his side of the story.

IO: Please provide as many details as possible based off the reports.

[REDACTED] originally came to the United States from the Ukraine. She received a work visa as a Scientific Researcher at [REDACTED]. Not sure how they originally met. He [REDACTED] did say to her that if you love me you will move to California where we can be together. When [REDACTED] left her job she lost her Visa. However, she married [REDACTED] upon immediately (unsure of when the marriage occurred). [REDACTED] had in recent time become very controlling and very precise on what she could and could not do. Where she spent her money, and how much she was allowed to spend. "She was a parasite con-artist". He would always remind her how good she has it.

IO: I understand there was immigration status concerns brought up by [REDACTED]?

[REDACTED] Yes. She [REDACTED] said that recently [REDACTED] had threatened to Visa or "Green Card" petition, and no longer sponsor her.

IO: At what point did [REDACTED] [REDACTED] change her story with respect to her and [REDACTED] marriage?

[REDACTED]: About the second week of November, she grew increasingly concerned about her immigration status. She told me [REDACTED] that she thinks [REDACTED] went to Immigration Services and conducted a meeting without her. A few days after that she told us that things really were not that bad, and that her and [REDACTED] want to stick it out. We were very surprised to hear this. But, she told us that [REDACTED] had already gotten a lawyer, and that they were doing everything in their power to remove the MPO that was in place. I told her that was not our decision. As time went by, closer to 15 November, she called and texted us (FAP) frequently asking to talk to [REDACTED] and lift the MPO. Both [REDACTED] and I were still very concerned for her safety, and do not want the MPO removed.

IO: Did you review the Reconciliation Agreement that was drawn up by both parties and the lawyer?

Enclosure (7)

Enclosure (1)

Subj: SUMMARY OF CONVERSATIONS SPANNING FROM 14 MARCH THROUGH 16 MARCH WITH
[REDACTED], VICTIM ADVOCATE, FAMILY ADVOCACY PROGRAM, CAMP PENDLETON
CA.

[REDACTED]: We did see it. We didn't think much of it, it looks like a far stretch
from where they are at and where they have been as a married couple.

IO: What is your knowledge of the tracking device?

[REDACTED]: Shortly after she [REDACTED] started talking to us she said that she
noticed that even when she left her apartment for a short period of time,
things would go missing. Couch cushions, mattress, blankets, pillows, etc.
She also said that he would text her and know where she was, she felt like
maybe he was following her, but didn't believe he was. After a few days in a
row like this I told [REDACTED] that maybe there was some type of GPS on her car
that tracked her. I told her to take it somewhere and have it looked at. I
know that she did and they found a GPS tracking device. We asked her to take
pictures of it and send them to us. She told us she called the police and
made a police report - she thinks [REDACTED] put it there to keep track of her.

[REDACTED]



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
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U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO

5830

21 Mar 18

From: [REDACTED] USMC
To: Commanding Officer, 1st Marine Raider Battalion

Subj: SUMMARY OF CONVERSATION ON 14 MARCH WITH [REDACTED], CLINICAL
SUPERVISOR, FAMILY ADVOCACY PROGRAM, CAMP PENDLETON CA.

Investigating Officer (IO): Can you provide some detail into statements made
by [REDACTED] which caused concern?

[REDACTED] Yes. These are quotes from what [REDACTED] told us and read
from text messages from her husband [REDACTED]: "Don't forget
that you are an undocumented good for nothing immigrant". "Ukrainian women
need to be beaten into submission" "I took the mattress because dogs don't
sleep on mattresses". "You need a shock collar just like Colt(their family
dog)"

IO: Where there any other comments that you can see in the reports that would
cause concern?

[REDACTED]: She said that he was concerned with his job, that it was her fault this
was happening (MPO) and that she should be grateful for all that he does for
her. Further, she stated that [REDACTED] was very specific on how much money she
needs to earn each month in order to contribute the proper amount of money to
their relationship.

[REDACTED]

Enclosure (8)

Enclosure (1)

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CIVILIAN POLICE REPORT



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the report, they must be referred to the originating civilian
law enforcement agency.

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1. Copies To: Dana Pahn

ORIGINAL
SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. Case No. [REDACTED]

2a. Citation No.

Priority: ☐ Yes ☒ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 637.7(a) Illegal Use of Tracking Device		4. DATE/TIME COMMITTED Tuesday 10/31/17 - 1730 hours																																					
5. WHERE COMMITTED [REDACTED]		6. GRID 97116	7. DATE/TIME REPORTED																																				
8. SUSPECT [REDACTED]		9. ADDRESS/PHONE [REDACTED]																																					
10. VICTIM [REDACTED] DOB [REDACTED]		11. ADDRESS/PHONE [REDACTED]																																					
12. BUSINESS ADDRESS/PHONE None		13. CONTACT TIME/LOCATION Anytime [REDACTED]																																					
14. FIRST NAME OF VICTIM		15. BUSINESS ADDRESS/PHONE																																					
16. VICTIM'S OCCUPATION Unemployed		17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Apartment complex																																					
COMPLETE ON ALL APPLICABLE FOLLOW-UP MISC. SEX AND THEFTS	18. POINT OF ENTRY CRIMES AGAINST PROPERTY		22. WEAPON OR MEANS USED CRIMES AGAINST PERSONS																																				
	19. INSTRUMENT OR MEANS USED		23. VICTIM'S ACTIVITY AT TIME OF OFFENSE																																				
	20. METHOD USED		24. EXACT WORDS USED BY SUSPECT																																				
	21. WHERE WERE OCCUPANTS AT TIME OF OFFENSE?		25. FORCE OR METHOD USED																																				
	26. APPARENT MOTIVE - TYPE PROPERTY TAKEN		27. TOTAL VALUE STOLEN \$																																				
	28. UNIQUE OR UNUSUAL ACTIONS BY SUSPECT(S)																																						
	29. VEHICLE USED BY SUSPECT(S) YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS																																						
	30. WITNESSES AND RESIDENCE/BUSINESS ADDRESS/PHONE																																						
	(7) Unknown	R B																																					
	(2)	R B																																					
(2)	R B																																						
31. SUSPECT(S) (IF ARRESTED, NAME, ADDRESS, AND BOOKING NUMBER)		BOOK. NBR.																																					
(1) Sex narrative		BOOK. NBR.																																					
(2)		BOOK. NBR.																																					
(3)		BOOK. NBR.																																					
<table border="1"> <thead> <tr> <th>NAME</th> <th>ADDRESS</th> <th>SEX</th> <th>RACE</th> <th>DOB</th> <th>HT.</th> <th>WT.</th> <th>HAIR</th> <th>EYES</th> </tr> </thead> <tbody> <tr> <td colspan="9">32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS</td> </tr> <tr> <td>* CHASE</td> <td>ARTICLE</td> <td>BRAND</td> <td>SERIAL NO.</td> <td>MODEL NO.</td> <td>MISC. DESCRIPTION</td> <td colspan="3">VALUE</td> </tr> <tr> <td colspan="9">Evidence collected: one black magnetic GPS Tracker serial [REDACTED]</td> </tr> </tbody> </table>				NAME	ADDRESS	SEX	RACE	DOB	HT.	WT.	HAIR	EYES	32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS									* CHASE	ARTICLE	BRAND	SERIAL NO.	MODEL NO.	MISC. DESCRIPTION	VALUE			Evidence collected: one black magnetic GPS Tracker serial [REDACTED]								
NAME	ADDRESS	SEX	RACE	DOB	HT.	WT.	HAIR	EYES																															
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Evidence collected: one black magnetic GPS Tracker serial [REDACTED]																																							
33. INVESTIGATING OFFICERS		REPORT BY	34. DATE OF REPORT 11/1/17																																				
[REDACTED]		[REDACTED]	35. APPROVED [REDACTED]																																				

PAGE 1 OF 2

Enclosure (9)

Enclosure (1)

1. COMES TO:
Dana Point

2. CASE NO. [REDACTED]

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

SANDRA HUTCHENS, SHERIFF-CORONER

REPORT CONTINUATION

On Tuesday 10/31/17 at 1940 hours, I was dispatched to [REDACTED] reference a citizen assist. I contacted the informant [REDACTED] and she said someone put a tracking device on her car. [REDACTED] said she was having marital problems with her husband [REDACTED] who is a [REDACTED] in the U.S. Marine Corps. [REDACTED] said [REDACTED] has been acting strangely lately and she informed his command (1st Marine Raider Bn) of his behavior. [REDACTED] also went to Camp Pendleton's Family Advocacy Office and spoke to them about their marital problems. She mentioned that [REDACTED] seems to know where she is from time to time so one of the advocates asked [REDACTED] if there was a tracking device on her car. [REDACTED] told them she didn't know but would get her car inspected.

[REDACTED] took her 2016 Chrysler 200 to a dealership in San Juan Capistrano earlier today and had it inspected. One of the technicians found a GPS tracking device magnetically attached to the frame rail. The device had multiple ports which had a SIM card and memory chips. [REDACTED] thinks [REDACTED] put the tracking device on her car because it looks like a piece of military grade equipment. [REDACTED] gave me the device and it said "GPS Tracker" on the top side. It was black in color and the bottom was magnetic.

[REDACTED] also contacted the Sheriff's Family Protection Detail and spoke to [REDACTED]. [REDACTED] informed her of the penal code section for illegal use of a tracking device. [REDACTED] also showed me the temporary restraining order she got against [REDACTED] but it had not been served yet. I asked [REDACTED] if she knew where [REDACTED] was now and she said he moved out of the apartment on Saturday 10/28/17. She thinks he is staying in a hotel or somewhere on base.

[REDACTED] wanted to file a police report for violation of CPC 637.7a so I gave her my business card with the case number written on it. I collected the tracking device as evidence and booked it into the Dana Point property locker. See the attached copy of the dealership report.

SA INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	
		11/1/17	

PAGE 2 OF 2

Enclosure (9)

Enclosure (1)



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TONY RACKAUCKAS, DISTRICT ATTORNEY

FEBRUARY 02, 2018



JIM TANIZAKI
CHIEF ASSISTANT D.A.

JOSEPH D'AGOSTINO
SENIOR ASSISTANT D.A.
GENERAL FELONIES/
ECONOMIC CRIMES

MICHAEL LUBBERS
SENIOR ASSISTANT D.A.
SPECIAL PROJECTS

JAMIE COURTER
SENIOR ASSISTANT D.A.
BRANCH COURT OPERATIONS

SCOTT ZIDORSKI
SENIOR ASSISTANT D.A.
VERTICAL PROSECUTIONS/
VIOLENT CRIMES

PAUL M. WALTERS
CHIEF
BUREAU OF INVESTIGATION

JERRY QIAN
DIRECTOR
ADMINISTRATIVE SERVICES

SUSAN KANG SCHRÖDER
CHIEF OF STAFF

NOTICE OF COMPLAINT FILED

A complaint was filed in the Harbor Justice Center (Newport Beach Facility) charging that on or about 10-31-2017 you committed a violation of section(s)

637.7(a) PC UNLAWFUL USE OF ELECTRONIC TRACKING DEVICE

To enter a plea of guilty or not guilty of said charges, you are hereby notified to appear on 05-22-2018 at 08:30 AM, in below:

HARBOR JUSTICE CENTER (NEWPORT BEACH FACILITY) - NEWPORT BEACH FACILITY
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

If you failed to appear at said time and place, a warrant may be issued for your arrest.



Tony Rackauckas
TONY RACKAUCKAS, DISTRICT ATTORNEY
COUNTY OF ORANGE, STATE OF CALIFORNIA

RE: 18H00991

☒ MAIN OFFICE
HARBOR JUSTICE CENTER OR IN
P.O. BOX 508
SANTA ANA, CA 92701
TEL: 949-266-2000

☐ NORTH OFFICE
1275 N. BOW-ELLEN AVE
FALLENBOM, CA 92841
TEL: 949-440-4000

☐ WEST OFFICE
8741 137TH STREET
WESTMINSTER, CA 92683
TEL: 949-736-7201

☐ HARBOR OFFICE
4601 JAMBOREE RD
NEWPORT BEACH, CA 92660
SIG: 476-4650

☐ AVENUE OFFICE
3417 E. CITY CENTER SOUTH
ORANGE, CA 92668
TEL: 949-550-7524

☐ CENTRAL OFFICE
HARBOR JUSTICE CENTER OR IN
P.O. BOX 508
SANTA ANA, CA 92701
TEL: 949-266-2000

Enclosure (10)





UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO
5830

26 Mar 18

From: [REDACTED] USMC
To: Commanding Officer, 1st Marine Raider Battalion

Subj: SUMMARY OF TELEPHONE CONVERSATION ON 23 MARCH WITH [REDACTED],
[REDACTED], ORANGE COUNTRY SHERIFF'S DEPARTMENT.

Investigating Officer (IO): Are you familiar with the details of the case involving Marine [REDACTED]?

[REDACTED]: Yes. This was quite a few months ago but I remember it well as I was the lead investigator.

IO: Ok. Can you give me a summary of the events?

[REDACTED]: Yes. The way it works is that based off the initial police report (31 October illegal use of a tracking device, Case# [REDACTED]) I build a larger report and submitted that to the Orange County District Attorney (DA). The DA then decides if they want to pursue the case, or not, and also how they want to go about that. In this case, the DA decided to pursue the charges, and issued an arraignment date. NCIS contacted me in early December and they were setting up a time and place where we (Orange County Sheriffs) could meet with [REDACTED] in order to discuss the pending charges.

IO: From my understanding that was on 13 December 2017 at NCIS Camp Pendleton?

[REDACTED]: Yes, that sounds right. However, [REDACTED] was immediately uncooperative as soon as he saw us in a meeting room. He stated that he was ambushed, and that he would not discuss the case in any way unless his lawyer was present. That is well within his rights, however I was surprised at how upset and aggressive he was with meeting.

IO: Is it safe to assume that [REDACTED] was aware of the pending charges, and future arraignment?

[REDACTED]: He was aware of the pending charges because I personally called to tell him this a few weeks prior to the meeting with NCIS (4/5 December 17.) As far as the arraignment, he also received phone calls as well as documentation in January once the date for arraignment was set.

IO: The Standard procedure for the Orange County DA is to utilize multiple means of communication to convey this information to a suspect?

[REDACTED]: Yes. Cell phone and or home phone calls, letter in the mail, and at times hand delivered or "served" the arraignment. Again, in this case he was contacted by phone and mail.

[REDACTED]

Enclosure (11)

Enclosure (1)



UNITED STATES MARINE CORPS
1ST MARINE RAIDER BATTALION
MARINE RAIDER REGIMENT
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
BOX 555341
CAMP PENDLETON, CA 92055-5341

IN REPLY REFER TO
3000
S-3

From: Commanding Officer
To: Distribution List

Subj: 1ST MARINE RAIDER BATTALION COMMANDER'S CRITICAL INFORMATION
REQUIREMENTS

Encl: (1) CCIR S Ws Format

1. Commander's Critical Information Requirements (CCIR) are a prioritized list of information requirements approved by the Commander as critical for command decision making relative to successful mission accomplishment.
2. CCIR's identify opportunities and vulnerabilities that assist the Commander in advising higher headquarters in supporting the war fighter.
3. The following are this Battalion's CCIRs:

Information Requirement	Category	Notification Priority
Attack or indications and warning of an attack on Government Facilities or Government personnel CONUS.	Enemy	Immediate
Interest or probable national or local media interest in personnel or units.	Environment	Immediate
Personnel categories of: Death, Seriously Injured, Very Seriously Injured, Missing in Action, or Duty Status Whereabouts Unknown.	Friendly	Immediate
Death or life-threatening serious illness/injury of a dependent.	Friendly	Immediate
Special Activities Training incident requiring MARSOC level reporting.	Friendly	Immediate
Damage or loss of classified material, COMSEC equipment, or COMSEC material.	Friendly	Immediate
Any incident which results in the apprehension of Marine or Sailor by Law enforcement authorities (i.e., DUI, felony, assault, etc.) or brings discredit to the battalion.	Friendly	Immediate
Any suicidal ideations, gestures, or attempts.	Friendly	Immediate
Any alleged, suspected, or confirmed cases of hazing.	Friendly	Immediate
Any allegations or reports of sexual assault.	Friendly	Immediate
Any incidents or allegations of domestic violence.	Friendly	Immediate
The filing of an Equal Opportunity complaint.	Friendly	Immediate
Any Marine or Sailor being hospitalized.	Friendly	Immediate
Loss of serialized equipment.	Friendly	Immediate
Any incident that may generate a report to HQMC.	Friendly	Immediate
Congressional Interest (CONGRINT) Correspondence.	Friendly	Immediate

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Enclosure (12)
Enclosure (1)

Subj: 1ST MARINE RAIDER BATTALION COMMANDER'S CRITICAL INFORMATION
REQUIREMENTS

Loss of communication with deployed forces greater than 24 hours.	Friendly	Immediate
Disciplinary infraction involving civilian authority.	Friendly	Immediate
Unauthorized Commitments.	Friendly	NLT 8 hours
Cancellation or changes to training events or operations (to include redeploying unit's timeline).	Friendly	NLT 8 hours
Denial of support or operational request by MARSOC or other entity.	Friendly	When Available
Vehicle accident involving tactical/GOV vehicles.	Friendly	When Available
Damage or loss of equipment in excess of \$1000.	Friendly	When Available
Minor UCMJ infractions.	Friendly	When Available
Unanticipated impacts to operational readiness.	Friendly	When Available
Unanticipated unit attrition.	Friendly	When Available
Visit by MARSOC, SOCOM, or other VIP to a deployed MARSOC location.	Friendly	When Available
Loss of anything that will generate an MLSR.	Friendly	When Available
Officer or SNCO misconduct.	Friendly	When Available

4. Should any of these CCIRs occur, report them to your chain of command via enclosure (1).

5. Ensure that all CCIR incidents with a notification of "Immediate" are pushed to the Commanding Officer (CO) for notification via phone regardless of time of day/night from the Company Commander or Officer of the Day (OOD). The Company First Sergeant will notify the Battalion Sergeant Major (SgtMaj) at the same time. The 5 Ws will be sent as soon as possible via email from the company to the OOD, Adjutant (Adj), Executive Officer (XO), SgtMaj and SOF SEA. Updates will be provided as necessary and as they occur. The XO/SgtMaj will forward the final 5W draft to the CO for release.

6. "When Available" notifications will be reported within 12 hours of incident from the Company Commander or OOD to the Battalion Commanding Officer. The First Sergeant will notify the SgtMaj. The 5Ws will be sent via email from the company to the OOD, Adj, XO, SgtMaj and SOF SEA. The XO/SgtMaj will forward the final 5W draft to the CO for release.

7. Point of contact on this matter is the [REDACTED] at
Comm: [REDACTED].

[REDACTED]

DISTRIBUTION: A

Copy to:
OOD Binder
Files

Enclosure (12)

Enclosure (1)

Subj: 1ST MARINE RAIDER BATTALION COMMANDER'S CRITICAL INFORMATION
REQUIREMENTS

The 5Ws format: The subject of the email describes what CCIR you are reporting, i.e. Subject: 5Ws for CCIR - Marine Arrested by Law Enforcement.

- Who: Rank, Name, Battalion (Bn), Company
 - if spouse or dependent, provide Last, First and information of sponsor
- What: short/succinct description of event
- When: Time of incident followed by when command was notified
- Where: Location where event occurred
- Alcohol/Drugs: Don't speculate, reports fact as they are known e.g. SNM consumed Alcohol vice SNM consumed large quantities of alcohol (unless that quantity is known).
- Married: Yes or No; if yes, name of spouse
- NOK Notified: If applicable, has Marine's next-of-kin been notified? OOD or Company leadership will never make a notification.
- Address: In event of death or serious injury; so CG and CO can send condolence letters.
- Deployment History: List all combat tours.
- Narrative:
 - Brief Explanation in chronological order
 - Highlight command involvement/actions taken
 - Do not speculate; stick to the facts. If expressing an opinion clearly state that it is opinion not fact
 - Conclude with
 - Current location of Marine
 - Way ahead
 - If PCR/SIR is required (include the topic as a placeholder only; Bn staff will determine if a PCR/SIR is required)

Enclosure (1)

Enclosure (12)

Enclosure (1)

ARTICLE 31 RIGHTS

Name: [REDACTED]
Activity: [REDACTED]
Telephone number: [REDACTED]

Rank/Rate: [REDACTED]
Unit: 1st Marine Raider Battalion

I have been advised that a Preliminary Inquiry has been assigned to inquire into the facts and circumstances surrounding my interactions with my spouse, and that:

[REDACTED] I have the right to remain silent.
Any statements I do make may be used as evidence against me in trial.
I have the right to consult with lawyer counsel prior to any questioning.
This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

[REDACTED] I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

[REDACTED] I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

[REDACTED]
[REDACTED]
(Member signature/date)

****Continued on next page (If statement provided)****

Enclosure (13)

Enclosure (1)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

Understanding fully my Article 31 Rights, I wish to make no statements regarding the current command investigation without legal counsel present. Further, I have obtained a civilian attorney for matters pertaining to this case.



20180312

Lined area for additional statement or signature.

Enclosure (13)

Enclosure (1)

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1. Copies To: Dana Point / Family Protection



ORIGINAL

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. Case No. [REDACTED]

2a. Citation No. [REDACTED]

Priority: ☐ Yes ☒ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 243(e)(1) - Domestic violence		4. DATE-TIME COMMITTED Friday, September 22, 2017, at 2339 hours	
5. VEHICLE COMMITTED [REDACTED]		6. QUID [REDACTED]	7. DATE-TIME REPORTED [REDACTED]
8. INFORMANT See box #10		9. ADDRESS-PHONE See box #11	
10. VICTIM DOB [REDACTED]		11. ADDRESS-PHONE [REDACTED]	
12. BUSINESS ADDRESS-PHONE N/A		13. CONTACT TIME-ADDRESS Anytime / See box #11	
14. FULL NAME OF VICTIM N/A		15. BUSINESS ADDRESS-PHONE N/A	
16. VICTIM OCCUPATION Military		17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Victim's residence	
18. POINT OF ENTRY CRIMES AGAINST PROPERTY		22. WEAPON OR MEANS USED CRIMES AGAINST PERSONS Hands	
19. INSTRUMENT OR MEANS USED [REDACTED]		21. VICTIM'S ACTIVITY AT TIME OF OFFENSE Attempting to walk away from suspect	
20. METHOD USED [REDACTED]		24. EXACT WORDS USED BY SUSPECT "You mother fucker"	
23. WHERE WERE OCCUPANTS AT TIME OF OFFENSE? To inflict injury - none		25. FORCE OR METHOD USED Suspect used both hands to strike in the head	
26. APPARENT MOTIVE - TYPE PROPERTY TAKEN To inflict injury - none		27. TOTAL VALUE STOLEN \$0.00	
28. UNUSUAL OR UNUSUAL ACTIONS BY SUSPECT Suspect pushed victim using both hands to strike victim in head		29. VEHICLE USED BY SUSPECTS - YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS [REDACTED]	
30. WITNESSES FOR RESIDENCE/BUSINESS ADDRESS-PHONE (1) Unknown		R S	
(2)		R S	
(3)		R S	
31. SUSPECT(S) (IF ARRESTED, NAME, ADDRESS, AND BOOKING NUMBER) (1) See narrative		BKG. NR.	
(2)		BKG. NR.	
(3)		BKG. NR.	
32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS			
QUAN.	ARTICLE	BRAND	SERIAL NO.
			MODEL NO.
			DESC. DESCRIPTION
			VALUE
Victim's Injuries: No visible injuries			
Evidence Collected: 1 Compact Disc (CD) containing 4 digital photographs of victim			
33. INVESTIGATING OFFICER REPORT BY [REDACTED]		34. DATE OF REPORT 9/23/17	
35. APPROVED [REDACTED]		36. APPROVED [REDACTED]	

PAGE 1 OF 2

Enclosure (14)
Enclosure (1)

1 COPIES TO:
Dana Point / Family ProtectionORIGINAL
SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. [REDACTED]

SANDRA HUTCHENS, SHERIFF-CORONER

REPORT CONTINUATION

Suspect:Narrative:

On Friday, September 22, 2017 at about 2350 hours, I was dispatched to [REDACTED] in the City of Dana Point, reference a domestic violence. Upon my arrival at about 0059 hours, I spoke with [REDACTED] (S), and the following is a summary of what he told me:

[REDACTED] and his wife [REDACTED] have been married for eight months and do not have any children in common.

On 9-22-17, [REDACTED] and [REDACTED] were hanging out at their residence. Both parties had consumed several alcoholic beverages. At about 2339 hours, [REDACTED] and [REDACTED] were talking in their kitchen about paternal instincts. During their conversation [REDACTED] began to yell at [REDACTED] for disagreeing with her. [REDACTED] walked out of the kitchen and into their bedroom trying to defuse the situation. [REDACTED] followed into the bedroom and continued to yell at him. [REDACTED] told [REDACTED] to get out. At which point, [REDACTED] struck [REDACTED] in the right side of his neck with her left forearm. [REDACTED] blocked two additional strikes and attempted to hold [REDACTED] arms down. [REDACTED] was able to free her arms and punched [REDACTED] in the left side of in face with her right hand. [REDACTED] grabbed her cellphone and told her he was going to call the police. [REDACTED] then jumped on [REDACTED] back and struck him a few times in the back of the head and upper torso. [REDACTED] got off of [REDACTED] back and left the residence. [REDACTED] saw [REDACTED] get in to her vehicle and drive away west bound on Alcazar.

[REDACTED] had no visible injuries and refused medical treatment. I asked [REDACTED] if he desired prosecution and he told me no. [REDACTED] only contacted the Sheriff's Department because [REDACTED] would not leave him alone. I asked he desired an Emergency Protective Order (EPO) and he told me no. I gave [REDACTED] a business card with the case number written on the back. [REDACTED] refused a domestic violence pamphlet. I took approximately four photographs of [REDACTED] with my department issued camera.

I conducted a patrol check of the surrounding area but was unable to locate [REDACTED]. [REDACTED] did not have her cellphone in her possession. I was subsequently unable to speak to [REDACTED] about the incident.

I later downloaded the photographs to a Compact Disc (CD). I booked the CD in as evidence at the Dana Point Substation and placed it into a property locker.

ALL INVESTIGATING OFFICERS	REPORT BY [REDACTED]	DATE OF REPORT 9/23/17	APPROVED [REDACTED]
----------------------------	----------------------	---------------------------	---------------------

PAGE 18 OF 2

Enclosure (14)
Enclosure (1)

SANDRA HUTCHENS, SHERIFF-CORONE

ORIGINAL

PAGE 1.

ORANGE COUNTY SHERIFF'S DEPARTMENT DOMESTIC VIOLENCE SUPPLEMENTAL/VERBAL REPORT		<input type="checkbox"/> VERBAL ONLY <input checked="" type="checkbox"/> CRIMINAL		CASE NUMBER
LOCATION OF INCIDENT		DATE/TIME OF INCIDENT		
PARTY #1 / VICTIM LAST, FIRST, MIDDLE		9-23-17 / Approximately 2339 hours		
HOME ADDRESS		DOB	SEX	RACE
WORK ADDRESS		PHONE NUMBER	HEIGHT	WEIGHT
N/A		N/A	HAIR	EYES
PARTY #2 / SUSPECT LAST, FIRST, MIDDLE		DOB	SEX	RACE
HOME ADDRESS		PHONE NUMBER	HEIGHT	WEIGHT
WORK ADDRESS		PHONE NUMBER	HAIR	EYES
N/A		N/A	N/A	N/A
RELATIONSHIPS OF INVOLVED PARTIES		HISTORY OF DOMESTIC VIOLENCE		
<input checked="" type="checkbox"/> SPOUSE <input type="checkbox"/> FORMER SPOUSE <input type="checkbox"/> COHABITANTS <input type="checkbox"/> FORMER COHABITANTS <input type="checkbox"/> DATING / ENGAGED <input type="checkbox"/> FORMERLY DATING <input type="checkbox"/> EMANCIPATED MINOR <input type="checkbox"/> SAME SEX <input type="checkbox"/> PARENT OF CHILD FROM RELATIONSHIP		PRIOR HISTORY OF DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PRIOR HISTORY OF VIOLENCE DOCUMENTED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NUMBER OF PRIOR INCIDENTS: 0 INVESTIGATING AGENCY: CASE NUMBER(S):		
LENGTH OF RELATIONSHIP YEARS MONTHS 8				
CONDITION OF PARTY #1 / VICTIM		CONDITION OF PARTY #2 / SUSPECT		
<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input checked="" type="checkbox"/> CALM <input type="checkbox"/> RATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN <input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> BRUISES(S) <input type="checkbox"/> ABRASIONS / SCRATCHES <input type="checkbox"/> MINOR CUT(S) <input type="checkbox"/> LACERATION(S) <input type="checkbox"/> FRACTURE(S) <input type="checkbox"/> CONCUSSION(S) <input type="checkbox"/> UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input type="checkbox"/> OTHER: EXPLAIN		<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> RATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN <input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> BRUISES(S) <input type="checkbox"/> ABRASIONS / SCRATCHES <input type="checkbox"/> MINOR CUT(S) <input type="checkbox"/> LACERATION(S) <input type="checkbox"/> FRACTURE(S) <input type="checkbox"/> CONCUSSION(S) <input type="checkbox"/> UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input checked="" type="checkbox"/> OTHER: EXPLAIN Not observed		
MEDICAL TREATMENT - PARTY #1 / VICTIM		MEDICAL TREATMENT - PARTY #2 / SUSPECT		
<input checked="" type="checkbox"/> NONE <input type="checkbox"/> FIRST AID <input type="checkbox"/> PARAMEDICS <input type="checkbox"/> HOSPITAL <input type="checkbox"/> WILL SEE OWN DOCTOR <input type="checkbox"/> REFUSED MEDICAL AID MEDICAL RECORDS CONSENT FORM SIGNED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF NO, EXPLAIN:		<input checked="" type="checkbox"/> NONE <input type="checkbox"/> FIRST AID <input type="checkbox"/> PARAMEDICS <input type="checkbox"/> HOSPITAL <input type="checkbox"/> WILL SEE OWN DOCTOR <input type="checkbox"/> REFUSED MEDICAL AID MEDICAL RECORDS CONSENT FORM SIGNED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF NO, EXPLAIN:		
MEDIC NAME / ID NUMBER		MEDIC NAME / ID NUMBER		
HOSPITAL		HOSPITAL		
ATTENDING PHYSICIAN		ATTENDING PHYSICIAN		
REPORTING OFFICER	ID NUMBER	DATE/TIME	APPROVED BY	
		9-24-17 / 2339 hrs		

Enclosure (14)

Enclosure (1)


ORIGINAL

SANDRA HUTCHENS, SHERIFF-CORONER

PAGE 3

ORANGE COUNTY SHERIFF'S DEPARTMENT		CASE NUMBER [REDACTED]	
DOMESTIC VIOLENCE SUPPLEMENTAL/VERBAL REPORT			
WITNESSES			
WITNESSES PRESENT DURING DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO STATEMENTS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO CHILDREN PRESENT DURING DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO STATEMENTS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
WITNESS / CHILD #1 LAST, FIRST, MIDDLE		DOB	COLOR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
WITNESS / CHILD #2 LAST, FIRST, MIDDLE		DOB	COLOR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
WITNESS / CHILD #3 LAST, FIRST, MIDDLE		DOB	COLOR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
RESTRAINING ORDERS <input checked="" type="checkbox"/> NONE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> EMERGENCY		INVOLVED PARTIES GIVEN: <input type="checkbox"/> DOMESTIC VIOLENCE INFORMATION SHEET <input checked="" type="checkbox"/> DCSD CASE NUMBER <input type="checkbox"/> FAMILY PROTECTION UNIT PHONE NUMBER	
PHOTOGRAPHS / WEAPONS		DESCRIBE ANY EVIDENCE COLLECTED	
PHOTOS OF VICTIM'S INJURIES <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PHOTOS OF SUSPECT'S INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PHOTOS OF CRIME SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PHOTOS OF EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NUMBER TAKEN <u>4</u> TAKEN BY <u>[REDACTED]</u> WEAPON(S) USED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE OF WEAPON(S) USED _____ FIREARMS TAKEN FOR SAFETY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		None	
NARRATIVE			
See initial crime report with [REDACTED] for further details.			
<input type="checkbox"/> CONTINUED			

Enclosure (14)

Enclosure (1)

ORIGINAL



SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

DR #: [REDACTED]

SUPPLEMENT

Reporting Area: Dana Point

ADDITIONAL INFORMATION	
OFFENSES	
Status Code	Degree
243 (E)(1) PC	Misdemeanor
Statute Description Battery: spouse/ ex Spouse/date/ etc	
Suspect Arrested? <input type="checkbox"/>	
ADDITIONAL VICTIM(S)	
[REDACTED]	
ADDITIONAL SUSPECT(S)	
[REDACTED]	
CRIMES AGAINST PEOPLE/PROPERTY	
Offense: 243 (E)(1) PC	
Attempted/Committed Committed	
Apparent Motive: Argument/fanger	
Instruments/Tools Used:	
Premise: Residence (anywhere On Premises)	
Offense Location Type: Apt/condo	
Number of Premises Entered: 2	
Method of entry:	
Occupied/Vacant:	
Weapons Used: Personal Weapon (hands, Feet, Teeth, Etc.)	
ADDITIONAL VICTIM(S)	
Name: [REDACTED] DOB: [REDACTED] Age: [REDACTED]	
Home Address: [REDACTED]	
Female	
Relationship To Offender: [REDACTED] Guest: Husband	
Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]	
Cell Phone: [REDACTED] Home Phone: [REDACTED] Other Phone: [REDACTED]	
Email Address: [REDACTED] License Number: [REDACTED] License State: [REDACTED]	
ADDITIONAL SUSPECT(S)	
Name: [REDACTED] DOB: [REDACTED] AGE: [REDACTED]	
Address: [REDACTED]	
Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]	
Hair Style: [REDACTED] Hair Length: [REDACTED] Complexion: [REDACTED] Build: [REDACTED] Facial Hair: [REDACTED] Glasses Type: [REDACTED]	
Cell Phone: [REDACTED] Home Phone: [REDACTED] Other Phone: [REDACTED]	
Email Address: [REDACTED] License Number: [REDACTED] License State: [REDACTED] License Class: [REDACTED]	
Occupation: Unemployed	

Page 1 of 2

Enclosure (14)

Enclosure (1)



Keywords: child sexual abuse; disclosure; social support

1000

Narrative:

On 10-4-17, I was assigned as an investigator with the Family Protection detail. I was assigned DR# [REDACTED] for further investigation. At 0941 hours, [REDACTED] and I drove to [REDACTED] residence located at [REDACTED] in the city of Dana Point. I knocked on the door and female I recognized as [REDACTED] opened the door. I stated I was from the Orange County Sheriff's Department. [REDACTED] stated [REDACTED] was not home. [REDACTED] stated [REDACTED] was not home.

[illegible]

_____ told me she and _____ had been arguing about paternal instincts. _____ had been drinking alcoholic beverages. _____ is in the Marine Corp and takes medications for Post Traumatic Stress Disorder (PTSD) which should not be mixed with alcohol. _____ became upset about the comments _____ made so she slapped him on the face with an open hand. _____ grabbed her by both arms and threw her down to the ground. While being pushed to the ground, _____ defended herself. She tried to take the cell phone from _____ so he would not call the police and potentially harm her or _____ career. _____ called the police so she left the residence to defuse the incident.

██████████ is not a citizen of the United States. ██████████ may have suffered a bruise on her buttocks from the incarceration but stated she would refuse any photographs. ██████████ did not desire prosecution.

There were 4,000,000,000 people in the world, and there were 100,000,000,000 people in the world.

THE UNIVERSITY OF CHICAGO

Downloaded from <http://www.jstor.org/stable/2346122> Tue, 27 Jun 2016 12:02:05 UTC

Introduction

— **1998** —

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CIVILIAN POLICE REPORT

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1. Copies To: *Dave Poir / Family Protection*

ORIGINAL
SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. Case No. [REDACTED]

2a. Citation No.

Priority: ☐ Yes ☒ No

SANDRA MITCHELL, SHERIFF-CORONER

INITIAL CRIME REPORT

1. OFFENSE CPC 243(e)(1) - Domestic violence		4. DATE-TIME COMMITTED Friday, September 22, 2017, at 2339 hours	
5. WHERE COMMITTED [REDACTED]		6. GRID [REDACTED]	7. DATE-TIME REPORTED
8. INFORMANT See box #10		9. ADDRESS-PHONE See box #11	
10. VICTIM DOB		11. ADDRESS-PHONE	
12. BUSINESS ADDRESS-PHONE N/A		13. CONTACT TIME-ADDRESS Anytime / See box #11	
14. PERM NAME OF VICTIM N/A		15. BUSINESS ADDRESS-PHONE N/A	
16. VICTIM OCCUPATION Military		17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Victim's residence	
18. POINT OF ENTRY CRIMES AGAINST PROPERTY		22. WEAPON OR MEANS USED CRIMES AGAINST PERSONS	
19. INSTRUMENT OR MEANS USED		23. VICTIM'S ACTIVITY AT TIME OF OFFENSE Hands	
20. METHOD USED		24. EXACT WORDS USED BY SUSPECT Attempting to walk away from suspect	
21. WHERE WERE OCCUPANTS AT TIME OF OFFENSE?		25. FORCE OR METHOD USED "You mother fucker"	
26. APPARENT MOTIVE - TYPE PROPERTY TAKEN To inflict injury - none		27. TOTAL VALUE STOLEN \$0.00	
28. UNIQUE OR UNUSUAL ACTIONS BY SUSPECT(S) Suspect pushed victim using both hands to strike victim in head			
29. VEHICLE USED BY SUSPECT(S) YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS [REDACTED]			
30. WITNESSES (SEE RESOURCES) BUSINESS ADDRESS-PHONE		R	
(1) Unknown		S	
(2)		R	
(3)		S	
31. SUSPECT(S) (IF ARRESTED, NAME, ADDRESS, AND BOOKING NUMBER)		BKG. NBR.	
(1) See narrative		BKG. NBR.	
(2)		BKG. NBR.	
(3)		BKG. NBR.	
32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS			
QUAN.	ARTICLE	QUAN.	SERIAL NO.
MODEL NO.			
SPEC. DESCRIPTION			
VALUE			
Victim's Injuries: No visible injuries			
Evidence Collected: 1 Compact Disc (CD) containing 4 digital photographs of victim			
33. INVESTIGATING OFFICERS		34. DATE OF REPORT	35. APPROVED
REPORT BY [REDACTED]		9/23/17	[REDACTED]

PAGE 1 OF 1

Enclosure (15)

Enclosure (1)

1 COPIES TO:
Dana Point / Family ProtectionORIGINAL
SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. [REDACTED]

SANDRA HUTCHENS, SHERIFF-CORONER

REPORT CONTINUATION

Suspect:Narrative:

On Friday, September 22, 2017 at about 2350 hours, I was dispatched to [REDACTED] in the City of Dana Point, reference a domestic violence. Upon my arrival at about 0059 hours, I spoke with [REDACTED] and the following is a summary of what he told me:

[REDACTED] and his wife [REDACTED] have been married for eight months and do not have any children in common.

On 9-22-17, [REDACTED] were hanging out at their residence. Both parties had consumed several alcoholic beverages. At about 2339 hours, [REDACTED] and [REDACTED] were talking in their kitchen about paternal instincts. During their conversation [REDACTED] began to yell at [REDACTED] for disagreeing with her. [REDACTED] walked out of the kitchen and into their bedroom trying to defuse the situation. [REDACTED] followed [REDACTED] into the bedroom and continued to yell at him. [REDACTED] told [REDACTED] to get out. At which point, [REDACTED] struck [REDACTED] in the right side of his neck with her left forearm. [REDACTED] blocked two additional strikes and attempted to hold [REDACTED] arms down. [REDACTED] was able to free her arms and punched [REDACTED] in the left side of in face with her right hand. [REDACTED] grabbed her cellphone and told her he was going to call the police. [REDACTED] then jumped on [REDACTED] back and struck him a few time in the back of the head and upper torso. [REDACTED] got off of [REDACTED] back and left the residence. [REDACTED] saw [REDACTED] get in to her vehicle and drive away west bound on Alcazar.

[REDACTED] had no visible injuries and refused medical treatment. I asked [REDACTED] if he desired prosecution and he told me no. [REDACTED] only contacted the Sheriff's Department because [REDACTED] would not leave him alone. I asked he desired an Emergency Protective Order (EPO) and he told me no. I gave [REDACTED] a business card with the case number written on the back. [REDACTED] refused a domestic violence pamphlet. I took approximately four photographs of [REDACTED] with my department issued camera.

I conducted a patrol check of the surrounding area but was unable to locate [REDACTED] [REDACTED] did not have her cellphone in her possession. I was subsequently unable to speak to [REDACTED] about the incident.

I later downloaded the photographs to a Compact Disc (CD). I booked the CD in as evidence at the Dana Point Substation and placed it into a property locker.

2. INVESTIGATING OFFICERS

PROPERTY BY

DATE OF REPORT

APPROVED

9/23/17

PAGE 2 OF 2

Enclosure (15)
Enclosure (1)

SANDRA HUTCHENS, SHERIFF-CORONER

ORIGINAL

PAGE 1.

ORANGE COUNTY SHERIFF'S DEPARTMENT		<input type="checkbox"/> VERBAL ONLY		CASE NUMBER	
DOMESTIC VIOLENCE SUPPLEMENTAL/VERBAL REPORT		<input checked="" type="checkbox"/> CRIMINAL			
LOCATION OF INCIDENT		DATE/TIME OF INCIDENT			
		9-23-17 / Approximately 2330 hours			
PARTY #1 / VICTIM LAST, FIRST, MIDDLE		DOB	SEX	RACE	COL OR ID NUMBER
HOME ADDRESS		PHONE NUMBER	HEIGHT	WEIGHT	HAIR EYES
WORK ADDRESS		PHONE NUMBER	EMAIL ADDRESS		
N/A		N/A	N/A		
PARTY #2 / SUSPECT LAST, FIRST, MIDDLE		DOB	SEX	RACE	COL OR ID NUMBER
HOME ADDRESS		PHONE NUMBER	HEIGHT	WEIGHT	HAIR EYES
WORK ADDRESS		PHONE NUMBER	EMAIL ADDRESS		
N/A		N/A	N/A		
RELATIONSHIPS OF INVOLVED PARTIES			HISTORY OF DOMESTIC VIOLENCE		
<input checked="" type="checkbox"/> SPOUSE <input type="checkbox"/> FORMER SPOUSE <input type="checkbox"/> COHABITANTS <input type="checkbox"/> FORMER COHABITANTS <input type="checkbox"/> DATING / ENGAGED <input type="checkbox"/> FORMERLY DATING <input type="checkbox"/> EMANCIPATED MINOR <input type="checkbox"/> SAME SEX <input type="checkbox"/> PARENT OF CHILD FROM RELATIONSHIP			PRIOR HISTORY OF DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PRIOR HISTORY OF VIOLENCE DOCUMENTED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NUMBER OF PRIOR INCIDENTS: 0 INVESTIGATING AGENCY: _____ CASE NUMBER: _____		
LENGTH OF RELATIONSHIP YEARS MONTHS					
			8		
CONDITION OF PARTY #1 / VICTIM			CONDITION OF PARTY #2 / SUSPECT		
<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input checked="" type="checkbox"/> CALM <input type="checkbox"/> RATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN			<input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> FEARFUL <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> RATIONAL <input type="checkbox"/> NERVOUS <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER: EXPLAIN		
<input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> BRUISES(S) <input type="checkbox"/> ABRASIONS / SCRATCHES <input type="checkbox"/> MINOR CUT(S) <input type="checkbox"/> LACERATION(S) <input type="checkbox"/> FRACTURE(S) <input type="checkbox"/> CONCUSSION(S) <input type="checkbox"/> UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input type="checkbox"/> OTHER: EXPLAIN			<input type="checkbox"/> COMPLAINT OF PAIN <input type="checkbox"/> BRUISES(S) <input type="checkbox"/> ABRASIONS / SCRATCHES <input type="checkbox"/> MINOR CUT(S) <input type="checkbox"/> LACERATION(S) <input type="checkbox"/> FRACTURE(S) <input type="checkbox"/> CONCUSSION(S) <input type="checkbox"/> UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUGS <input checked="" type="checkbox"/> OTHER: EXPLAIN Not observed		
MEDICAL TREATMENT - PARTY #1 / VICTIM			MEDICAL TREATMENT - PARTY #2 / SUSPECT		
<input checked="" type="checkbox"/> NONE <input type="checkbox"/> FIRST AID <input type="checkbox"/> PARAMEDICS <input type="checkbox"/> HOSPITAL <input type="checkbox"/> WILL SEE OWN DOCTOR <input type="checkbox"/> REFUSED MEDICAL AID			<input checked="" type="checkbox"/> NONE <input type="checkbox"/> FIRST AID <input type="checkbox"/> PARAMEDICS <input type="checkbox"/> HOSPITAL <input type="checkbox"/> WILL SEE OWN DOCTOR <input type="checkbox"/> REFUSED MEDICAL AID		
MEDICAL RECORDS CONSENT FORM SIGNED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			MEDICAL RECORDS CONSENT FORM SIGNED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
IF NO, EXPLAIN:			IF NO, EXPLAIN:		
MEDIC NAME / ID NUMBER			MEDIC NAME / ID NUMBER		
HOSPITAL			HOSPITAL		
ATTENDING PHYSICIAN			ATTENDING PHYSICIAN		
REPORTING OFFICER		DATE/TIME	APPROVED BY		
		9-24-17 / 2339 hrs			

 ORIGINAL

SANDRA HUTCHENS, SHERIFF-CORONER

PAGE 2

ORANGE COUNTY SHERIFF'S DEPARTMENT DOMESTIC VIOLENCE SUPPLEMENTAL/VERBAL REPORT		CASE NUMBER [REDACTED]	
WITNESSES			
WITNESSES PRESENT DURING DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
STATEMENTS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
CHILDREN PRESENT DURING DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
STATEMENTS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
WITNESS / CHILD #1 LAST, FIRST, MIDDLE		DOB	COL OR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
WITNESS / CHILD #2 LAST, FIRST, MIDDLE		DOB	COL OR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
WITNESS / CHILD #3 LAST, FIRST, MIDDLE		DOB	COL OR ID NUMBER
HOME ADDRESS		PHONE NUMBER	SEX RACE
RESTRAINING ORDERS <input checked="" type="checkbox"/> NONE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> EMERGENCY		INVOLVED PARTIES GIVEN: <input type="checkbox"/> DOMESTIC VIOLENCE INFORMATION SHEET <input checked="" type="checkbox"/> OCSO CASE NUMBER <input type="checkbox"/> FAMILY PROTECTION UNIT PHONE NUMBER	
PHOTOGRAPHS / WEAPONS		DESCRIBE ANY EVIDENCE COLLECTED	
PHOTOS OF VICTIM'S INJURIES <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PHOTOS OF SUSPECT'S INJURIES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PHOTOS OF CRIME SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PHOTOS OF EVIDENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NUMBER TAKEN 4 TAKEN BY [REDACTED] WEAPON(S) USED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TYPE OF WEAPON(S) USED FIREARMS TAKEN FOR SAFETY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		None	
NARRATIVE			
See initial crime report with OR [REDACTED] for further details.			
<input type="checkbox"/> CONTINUED			

Enclosure (15)

Enclosure (1)

ORIGINAL



SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

DR #: [REDACTED]

SUPPLEMENT

Reporting Area: Dana Point

ADDITIONAL INFORMATION			
OFFENSES			
Statute Code	Degree	Statute Description	
243 (E)(1) PC	Misdemeanor	Battery: spouse/ex Spouse/delta/etc	
Suspect Arrested? <input type="checkbox"/>			
ADDITIONAL VICTIM(S)			
[REDACTED]			
ADDITIONAL SUSPECT(S)			
[REDACTED]			
CRIMES AGAINST PEOPLE/PROPERTY			
Offense: 243 (E)(1) PC		Attempted/Committed/Committed	
Apparent Motive: Argument/anger		Instruments/Tools Used:	
Premises: Residence (anywhere On Premises)		Offense Location Type: Apt/condo	
Number of Premises Entered: 2		Method of entry:	
Occupied/Unoccupied:		Weapons Used: Personal Weapon (hands, Feet, Teeth, Etc.)	
ADDITIONAL VICTIM(S)			
IE: [REDACTED]	DOB: [REDACTED]	Age: [REDACTED]	
Home Address: [REDACTED]			
False			
Relationship To Offender: [REDACTED]: Husband			
Sex	Race	Height	Weight
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Call Phone:	Home Phone:	Other Phone:	
Email Address:	License Number	License State	
[REDACTED]			
ADDITIONAL SUSPECT(S)			
Name: [REDACTED]	DOB: [REDACTED]	AGE: [REDACTED]	
Address: [REDACTED]			
Sex	Race	Height	Weight
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Hair Style	Hair Length	Complexion	Build
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cell Phone:	Home Phone:	Other Phone:	
Email Address:	License Number	License State	
[REDACTED]			
Occupation: Unemployed			

Page 1 of 2

Enclosure (15)

Enclosure (1)



SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

DR #:

SUPPLEMENT

Reporting Area: Dana Point

NARRATIVE

Suspect:

Domestic Violence History:

None

Narrative:

On 10-4-17, I was assigned as an investigator with the Family Protection detail. I was assigned DR# [REDACTED] for further investigation. At 0941 hours, [REDACTED] and I drove to [REDACTED] residence located at [REDACTED] in the city of Dana Point. I knocked on the door and female I recognized as [REDACTED] opened the door. I stated I was from the Orange County Sheriff's Department. I asked [REDACTED] if I could speak to her. She agreed and invited me and [REDACTED] inside her residence.

I asked [REDACTED] if we could talk in the living room area. [REDACTED] agreed and we sat down on the living room couch. I told [REDACTED] she was not under arrest and she said she understood. I told [REDACTED] she was free to speak to me or not speak to me. I asked [REDACTED] if she could tell me what happened at the residence on September 22, 2017. The following is a synopsis of [REDACTED] statement which I digitally audio recorded. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.

[REDACTED] told me she and [REDACTED] had been arguing about paternal instincts. [REDACTED] and [REDACTED] had been drinking alcoholic beverages. [REDACTED] is in the Marine Corps and takes medications for Post-Traumatic Stress Disorder (PTSD) which should not be mixed with alcohol. [REDACTED] became upset about the comments [REDACTED] made so she slapped him on the face with an open hand. [REDACTED] grabbed her by both arms and threw her down to the ground. While being pushed to the ground, [REDACTED] defended herself. She tried to take the cell phone from [REDACTED] so he would not call the police and potentially harm her or [REDACTED] career. [REDACTED] called the police so she left the residence to defuse the incident.

[REDACTED] is not a citizen of the United States. [REDACTED] may have suffered a bruise on her buttocks from the altercation but stated she would refuse any photographs. [REDACTED] did not desire prosecution.

There were no witnesses present during the altercation. [REDACTED] and [REDACTED] have been attended couples counseling through the Marine Corps. Their counselor is [REDACTED].

INVOLVEMENT TYPE	OFFICER NAME	DATE OF REPORT
Supplementing Officer	[REDACTED]	10/5/2017
APPROVING Officer	[REDACTED]	10/5/2017

G

ADMINISTRATIVE REMARKS (1070)

DATE	DATE	DATE
Articles UCMJ explained to me this date as required by Article 137, UCMJ.	Articles UCMJ explained to me this date as required by Article 137, UCMJ.	I have been counseled concerning SBP and fully understand the automatic enrollment and future enrollment provisions on the Plan.
(Signature)	(Signature)	(Signature)

20180112 Counselor this date, IAW para 3005 of the IRAM, concerning misconduct: in that between, on or about 26 October 2017 and 5 December 2017 you violated Articles 133 and 134. Specifically, you emotionally maltreated and degraded your wife, became physically abusive during an altercation, and violated California state law by placing a tracking device on her vehicle.

Counseling is available to you through the command, family advocacy program, and the Charles Luke Milam clinic should you choose to continue to use these resources.

I was advised that within 5 working days after acknowledgment of this entry a written rebuttal could be submitted that such a rebuttal will be filed on the document side of the OQR. I choose (to) (not to) make such a statement.


C. E. Mundy /1

NAME (last, first, middle)

EDIPI

We believe that this IRAM counseling does not comport with the requirements of the IRAM in content and specificity and we believe that it does not provide us appropriate notice or afford us due process because of the lack of specificity.

Regardless, we will do our best to address the IRAM and assist the Commander with understanding the context of what we believe are the allegations.

First, the relationship between me and [REDACTED]. Our relationship is not perfect, but we are working on it. It is not one of storybooks, but it is one of love and we are committed to a lifetime of marriage and – most importantly – we are committed to each other.

[REDACTED] and I have not always communicated with each other as we might have wished. We have used terse words with one another – perhaps more terse than some couples and less terse than others. I am not proud of all the words I have said to her and I know that she is not proud of all the words she has said to me. We are both diligently working on it – we have been and continue to be participating in individual and couple's counseling to mitigate internal distress levels, better our communication with one another, to be more respectful of each other's feelings, and to reverse roles with one another to look at issues from the other's perception. The counseling has proven helpful and we are progressing significantly. That is not to say we are perfect yet – but we are better and we are improving.

I have not been physically abusive with [REDACTED]. That is not to say our interaction did not get physical on one occasion, but it was neither I that started it nor I that acted aggressively. On one occasion, [REDACTED] and I argued over family planning, i.e. whether we would have children in the future. [REDACTED] was angry with the position that I had taken to the point where she attacked me physically. I acted in self-defense – not in a way that she was hurt, but in a way that kept her from hurting me. I disrupted further attacks and removed myself from the point of friction. I called the police to report the incident. I was not arrested – which if I was the aggressor, would have required the responding officer to arrest me. That was the only time an argument between us became physical. We have not been physical in that way with one another since and we are committed to never getting involved in anything like that again. It is also a subject of the counseling that we are participating in and we are doing well in that regard.

The third matter contained in the IRAM counseling alleges that I broke a California law by putting a tracker on [REDACTED] car. The law that I believe is being referred to requires that using such a tracker be done without the consent of the owner of the car. First, while the car is primarily [REDACTED], it is a family car no different than my truck is primarily mine, but a family truck. Second, while [REDACTED] has said that she did not know the tracker was actually on the car, it was not placed there without her consent. That may seem like a distinction without a difference. However [REDACTED] and I talked about GPS trackers before the tracker was placed on the car, she said that she did not care – for me to "go ahead" if I wanted to do it. Further, the tracker was not used other than to set it up – which is supported by the police report and the log that was downloaded from the tracker, where it only transmitted to one phone number, mine, and it happened only one time, during the set up. While consent was given and the device was not used illegally, I agree that not informing her when it was installed was a failure on my part – but I hope that its not lost on the Commander that while I was charged with a violation, the charge was dismissed because I did not break the law.

Again, I am certain that [REDACTED] would agree with what I have presented and if the Commander would like a verbal or written statement from her attesting to the above – I am certain that she would do so. I also ask that the Commander take my service record into consideration as I believe it will support that the allegations listed are not in concert with who I am as a person or as a Marine.

Finally, I will reiterate that I am not perfect and I am continuously working to be in a better place – to be better than I have been and to be even better than I am today. The same is true for [REDACTED] and I in our relationship. While we respectfully rebut this IRAM and hope the Commander will see fit to remove the IRAM counseling vice forwarding it with a *report of misconduct*, it is with a greater hope and request that you find misconduct was not substantiated and that our case be closed.

In the meantime, I remain proudly committed to service until further instructed.

Respectfully Submitted

[REDACTED]

2010723



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE NC 28542-0116

UNREPLY REFER TO
1920
SJA

From: [REDACTED]
To: Commander, U.S. Marine Corps Forces, Special Operations Command
Via: Supply Officer

Subj: ACKNOWLEDGEMENT OF ADVANCED EDUCATION ASSISTANCE RECOUPMENT

1. I understand that if I am voluntarily or involuntarily separated before I complete an active duty service requirement incurred because I received advanced education assistance (United States Naval Academy, Reserve Officer Training Corps, Platoon Leaders Class, Funded Law Education Program, etc.), I may be required to reimburse the Government on a pro-rata basis for the unserved portion of my service obligation.

[REDACTED]
[REDACTED]



UNITED STATES MARINE CORPS

U.S. MARINE CORPS FORCES
SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE, NC 28542-0116

IN REPLY REFER TO:

1920

SJA

From: [REDACTED], USMC
To: Commander, U.S. Marine Corps Forces, Special Operations Command

Subj: ACKNOWLEDGEMENT OF RECEIPT OF REPORT OF MISCONDUCT AND INCLUSION OF ADVERSE MATERIAL IN OFFICIAL MILITARY PERSONNEL FILE (OMPF)

Ref: (a) CMDR, MARSOC Report of Misconduct ICO [REDACTED]
[REDACTED] USMC
(b) MCO P1070.12K W/CH 1 (IRAM)

1. 3 Aug 2018 I hereby acknowledge that I received reference (a) on (date) and that I have 10 calendar days to submit either a response or written indication that I have no matters to present.

2. I understand that the adverse material in reference (a) will be forwarded to the Deputy Commandant, Manpower and Reserve Affairs (DC M&RA) for a decision on whether the material will be included in my Official Military Personnel File (OMPF) in accordance with reference (b). I further understand that if DC M&RA elects to include the adverse material into my OMPF, any statement I submit will be included in my OMPF along with the adverse material. If I choose not to submit a statement and DC M&RA elects to include the adverse material into my OMPF, I understand that this letter will be included in my OMPF along with the adverse material in reference (a).

3. [REDACTED] I desire to submit a statement.

() I do not desire to submit a statement and understand that this letter will be included in my OMPF if DC M&RA elects to include the adverse material in my OMPF.

[REDACTED]

ENCLOSURE (7)